

## FIGHT ON DOLE IS GIVEN UP

### Dark Night on for Committeeman Stewart.

(From Wednesday's daily.)

IF THERE is anything in the signs, the passing of the McChesney-Stewart is at hand. After permitting himself to voice at length what was interpreted by his followers as being an expression of lack of confidence in the Governor he last evening quit the fight without a final bark, and when he tried to secure the passage of a resolution, which would dictate to outside members of the executive committee to whom they might send their proxies, he could muster only three votes beside those he controlled by reason of proxies.

The feature of the meeting of the Republican Central Committee last evening was the complete backing down of the men who thought they could secure the adoption of a resolution, in which even in the most remote way the name of Governor Dole could be connected with a vacancy in the office which he fills. So complete was the defeat of the plan of the wing which had for its aim the discrediting of the executive, that it was recognized, and when the interim of the Stewart resolution was had it was the father who said the last sad words. The publication of the statement of the Governor in the Advertiser, setting at rest all question as to his intention in the matter of tenure of office, cut from under the factious opposition all its ground, and left nothing but surrender in sight.

When the committee had been called to order, and it was found that there were twenty-six votes in sight, the resolution of Stewart was called up for action. Immediately Col. J. H. Fisher offered the following as an amendment and without much discussion it was adopted, the mover of the original, seconding it, and asking that it go through without a roll call:

Whereas the Territory of Hawaii is a long distance off from the mainland, and without daily and rapid mail or telegraphic communication with the national capital,

Whereas, the republican party is regularly organized within the said Territory, and the management of the said party duly placed in the charge of a Territorial Central Committee, representative of all the districts of the several islands of the group; the said Territorial Central Committee having been appointed by a convention of the members of which were properly elected by the voters of the republican party, at primaries duly held for that purpose, be it

Resolved, that this Territorial Committee, through our member of the National Republican Committee, respectfully requests of the President that in filling any vacancies arising in the Territorial affairs of this Territory, that the appointments to fill such vacancies be delayed long enough that this committee may be heard from in the premises.

Before the matter was disposed of, J. P. Cooke announced that he in company with Committeemen Wright and Lane, had visited the Governor and received definite announcement that Mr. Dole had no intention of resigning. He said that the Governor in answer to Mr. Wright had said he could see no reason why the committee should not be as apprised as early as anyone else of any such intention on his part. On motion of Fisher the secretary was directed to send copies of the resolution certified to the national committee.

Stewart had another idea of a plan to prevent any possible chances of a vote against him in the executive committee, as he has heretofore been able to control the votes of his fellows from the Fifth district, and then offered the following:

Resolved, that the use of special proxies shall not be limited, but that no general proxies shall be used by members of the Fourth or Fifth districts in the executive committee unless the same be equally divided between said districts; that a general proxy is one allowing the holder to vote at will, and special proxy is one directing the holder how to vote on a specific proposition.

He began to talk about the need for the maintenance of the equality between the two districts, taking the ground that there was danger of some of the rights of the Fifth District being in jeopardy. So constantly did he harp upon this feature that one member interrupted to say to the speaker: "You must see a bugaboo in the Fourth."

Stewart said there was a feeling in the Fifth that there was a disposition to "take the people from party management, and that the proxy matter had caused trouble in the past, and would make more in the future. There were several questions and then the orator lost his temper a little, saying to Cooke, when a point was made: "Your proxies die hard, don't they," and to Gilman, who suggested that there was no trouble in the districts except that made by Stewart, "I have had enough of you in the charter fight." But it was not to be. After an explanation that the effect of the resolution would be to dictate to whom out-

## THE SPHINX STANDS PAT.



GIVING IT UP AS A BAD JOB.

### NO ARRESTS YET IN MURDER CASE

Up to last night the police had made no arrests in the Lubeck murder case. Another hard day's work was put in on the case by the police department and although nothing tangible resulted, it is exceedingly probable that there will be some interesting developments today.

Last night the police received information that Hackman Lee Wilson, who used to drive on 215 stand, had suddenly left for the coast on the Alameda. He is said to have been driving as late as yesterday morning.

What interests the police in Wilson's announced departure is that he used to live with Hugh Rooney in a house on Emily street, near the Sanitary Steam Laundry.

Mrs. Lubeck told an Advertiser reporter yesterday of a strange occurrence which happened in her house on the day on which her husband's body was found. She said that about 10 a. m. a man named Peterson, who testified at the inquest, came to her house and asked for her husband. She asked him if he had not heard that he had been drowned, and he said:

"Didn't he have his revolver with him?"

"I always carry mine with me," continued Peterson, and as he spoke he drew a gun from his hip pocket and showed it to Mrs. Lubeck.

Mrs. Lubeck told Peterson that her husband had left his gun at home and that it was then in his desk. Peterson then peered into two of the rooms and when Frank Lubeck approached him he made some remark as to where the revolver was kept. Frank told him that it was none of his business, and the man cleared out of the house.

Frank Lubeck asserts that he previously met Peterson outside the house, and that Peterson told him that there was a cut on his father's head. Frank asked him how he knew, and Peterson replied that someone had told him.

It certainly seems strange that after conversing with Frank Lubeck about his father's death, Peterson should ask Mrs. Lubeck where her husband was.

### Collectors Make Important Ruling.

Although no official notification has been received as yet it now seems practically certain that the duty on steam plows will be reduced from 45 to 20 per cent. For a long time the Treasury Department has contended that steam plows should be classed as manufactured iron for which no provision has been made, paying a duty of 45 per cent, instead of classing them with ordinary plows, for which the duty is only 20 per cent. The local customs department at first classed steam plows as plows with a 20 per cent duty, but received notification that they should be classed as manufactured iron, the department arguing that they could be put to use as traction engines and other things for which an ordinary plow could not be used. Collector of the Port Stackable did all in his power to persuade the department that a steam plow was a plow, and not a traction engine, even taking the trouble of sending to the department descriptions and pictures of the steam plows and their working methods, but it was all of no avail. Steam plows are very much used on the plantations of these islands, where they are absolutely necessary on the large sugar estates on account of their labor saving value, and as these plows can plow much better and deeper than any plow drawn by animal power could do. The almost prohibitive duty, however, made the importation of these valuable engines a costly thing.

The hardship of this immense duty has also been felt very much in the States, and finally, Oxnard, a well known sugar beet planter, decided to attempt to have the ruling of the department changed. To this end, he recently imported a steam plow to the States through New Orleans, and put up a sufficient bond to secure the payment of the charge instead of paying duty. The machine was taken to the beet sugar estates, put together and set to work. After it was working Oxnard invited the collectors and appraisers of both San Francisco and New Orleans to come out and see the machine at work, in order that they could give a fair ruling as to whether the steam plow should be rated as a plow or otherwise. After inspecting the machine and its method of working both the collectors of San Francisco and New Orleans ruled that the steam plow should be classed as a plow, and consequently be subject to a duty of only 20 per cent, and it is extremely probable that, backed by the rulings of the collectors of those two large ports, these useful engines will be admitted under the cheaper rate.

### Queen Draws Upon Appropriation.

The statement has appeared in the Mainland newspapers that Liliuokalani has refused to accept the appropriation of \$15,000 for the present biennial period made by the last Legislature, and that she is on the way to Washington to press her claim for \$250,000 for the crown lands. It is stated here that the Queen has regularly received \$525 per month from the Territorial treasury since the appropriation was made, and that the receipts were signed for her by J. O. Carter.

### KAULIA WANTS THE JOB.

#### He Would Like to Succeed Wilcox at Washington.

J. K. Kaulia, the ardent Home Rule politician, whose platform in the last campaign was based upon his campaign slogan of "snakes," has the Delegate-to-Congress bee in his bonnet. The ex-leader of the Home Ruler and anti-haole party has recently given utterance around the sacred halls of the police station to his aspirations, and there is no Territorial job he would like better than that of representing the Islands in the House of Representatives. In other words, Mr. Kaulia is of the opinion that he can fill the shoes of Delegate Wilcox to the satisfaction of all the residents of Hawaii.

The boys at the police station were joking him about the Advertiser cartoon of himself published recently.

"That's all right; these cartoons go to Washington; when I arrive there as delegate from Hawaii, they will all know who I am, and I won't have any trouble in being recognized."

### Coal for the Wisconsin.

Yesterday was a very busy day along the Naval wharves. At wharf No. 2 the American ship Roanoke was discharging Pocahontas coal, and on the other side the British ship Euphrates was piling out Cardiff coal, also consigned to the navy. Teams were busy carting the coal over to wharf No. 1, where it was put into the Naval department's two large barges, preparatory to taking it out to the Wisconsin. As coal is expensive in South American ports, to which the Wisconsin is going, the battleship will take on board a larger amount than had been originally decided. She is to take 1,000 tons altogether, of which 750 tons will be taken in bulk while the remaining 250 tons will be taken in bags. A force of men were busy putting the coal into bags yesterday. The coal barges will be towed out to the Wisconsin by the tug Iroquois as soon as the heavy swell which has been running outside has subsided.

### Last Call for Sewall.

A large party of prominent Honoluluans departed yesterday on the Alameda for the Coast, some of them bound for Washington to take a peep at Congress and to buttonhole a few of the government officials on one matter or another. Judge Gear and Geo. A. Davis go east, it being generally understood that their mission is to urge the appointment of Harold Sewall of Maine for Governor of Hawaii.

### Metal Paper Mail Boxes.

A dozen metal boxes for newspaper and other packages intended for the mails are at present in storage at the postoffice awaiting assignment of locations in various parts of the city. The boxes are about three feet high and two feet wide, and are each capable of holding hundreds of papers in wraps. There are soon to be placed in convenient places down town and in the residence districts as receptacles for newspapers prepared for the mails.

## COFFERS ARE FULL

### Three Quarters of a Million in the Treasury.

The average man would think it to be a long ways between three-quarters of a million dollars and a busted treasury, but it is the former condition that counts in the Territory of Hawaii just at present. The monthly report just made by Treasurer Wright to Auditor Austin gives in round numbers \$750,000 as the amount in the Territorial treasury, and it is the opinion of the latter that the funds now on hand will keep the wheels of government running for more than six months from the present date.

Not only have the tax collections been unusually heavy, but revenues from other sources are greater this year than last, so that the total increase of revenue for the year will be over one million dollars.

Of this amount the income tax will furnish about \$350,000, according to the estimate of Mr. Austin, while the revenue from other sources, increased valuations, etc., will easily bring the grand total up to \$500,000 more than last year, or a grand total for the year of about \$1,750,000.

The total collections for the month of November would indicate an even larger excess over that of last year than estimated by Auditor Austin. The total receipts for the month were \$1,100,000, while in November, 1900, the receipts were but \$310,000. For taxes alone the receipts amounted to \$1,070,000, as against only \$400,000 for the same period last year. The income tax accounts for the greater part of the increase, though there has been a general increase in receipts from almost every source. There was an increase of nearly \$2,000 in fines and costs, of about \$2,000 in the land department, and of over \$20,000 in the Public Works Department.

The expenditures for the month show an increase of less than \$150,000, as against \$155,424 of November in 1900. Of this increase nearly \$4,000 is attributed to the Judiciary Department, \$12,000 to the Department of Public Instruction, and \$5,000 to the Public Works Department. The total expenditures for the month were really less than those of a year ago, because there were no loan fund expenditures this month. The actual cash paid out was the largest amount in the history of the Territory or republic, as some \$400,000 were paid to satisfy outstanding warrants. There are now outstanding warrants to the amount of \$25,417 still unpaid.

There is now in the Treasury about three-quarters of a million dollars, and Auditor Austin says that at the end of the year there should be a considerable increase in the Treasury of over \$500,000, though we will not close our accounts at that time, as this is only done biennially. The increase in the revenue for the year over that of 1900 will approximate half a million dollars. There is an increase all along the line, not only from the income tax, but from higher valuations and the numerous new enterprises.

The real reason for the scarcity of money is the loss of the customs duties, which amounted to \$100,000 a month, and which the United States government now collects to the amount of \$125,000 monthly. The merchant tax is also gone now, the having been declared invalid. The treasury is in very good shape at present, and the funds on hand will pay all expenses for the next six months and more. The income tax will amount to about \$350,000. All taxes have not been returned yet, and there will be a considerable increase over the figure given.

### THE PACIFIC CABLE.

#### Reasons for Awarding the Contract to an English Firm.

NEW YORK, Nov. 22.—Geo. Ward, first vice president of the Commercial Cable Company, said, in an interview, when asked why the contract for a Pacific cable had been awarded to an American company:

"The Commercial Pacific Cable Company would have been very happy to give an American company its contracts, but there is no company in the United States that could, we felt, perform the work. They have not the machinery, and could not afford to have the work of laying the cable take the form of an experiment. The Sillvertown Company has been established for over fifty years, and has laid most of the deep-ocean cables throughout the world, so that it understands perfectly just how the work should be accomplished."

"The company has assured us that it will complete the cable and have it here in seven months. Just as soon as this section, extending to the Sandwich Islands, is complete and out of the way, we shall commence work on another section that will connect the Hawaiian Islands with the Philippines. Our station there will probably be on the island of Luzon near or in Manila. We have not decided on that point yet, but we have fixed any selling price of rates, but I may say, in speaking of rates, that we shall reduce them to a reasonable figure. We expect to have the work completed in about two or three years. The estimated cost of the undertaking is about \$15,000,000, but we have capitalized our company at only \$3,000,000, because we prefer to increase capitalization as we proceed, rather than use such a large figure at the beginning."

Mr. Ward said it was expected that the new cable would allow of the transmission of messages in nearly four hours less time than required at present.

The Hawaii Land Company has let the contract for the erection of a brick store building at the corner of King and Maunakea. The building will front thirty-eight feet on King and thirty-seven feet on Maunakea street.



# MULE CARS ARE DOOMED

## He Did Not Come With "Clean Hands."

JUDGE ESTEE yesterday denied the temporary injunction prayed for by the Hawaiian Tramways Co. vs. the Honolulu Rapid Transit & Land Co., dismissing the bill, and holding that the same matters had been adjudicated by the Supreme Court of Hawaii.

The decision read by Judge Estee was excepted to by J. J. Dunne for the complainants and he was given twenty days in which to decide whether he would take an appeal.

The decision is reported in full as follows:

### IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF HAWAII.

The Hawaiian Tramways Company, Limited, plaintiff, and petitioner, vs. The Honolulu Rapid Transit and Land Company, Limited, defendant.

Messrs. J. J. Dunne and John T. De Bolt, Attorneys for Plaintiff; W. R. Castle and Kinney, Ballou & McClanahan, Attorneys for Defendant.

This is a bill in equity, filed by the Hawaiian Tramways Company, Limited, and verified by the oath of W. H. Pain, as manager for said company, to enjoin the defendant, its associates, counsel, solicitors, agents, contractors and servants from entering into and upon King street in the city of Honolulu, for the purpose of laying, constructing or operating a street railway therein, adjoining, alongside of or parallel with the street railway of the Hawaiian Tramways Company, Limited, and from digging up or disturbing the soil, surface or paving of said King street or doing any other acts in said King street tending to obstruct in any way the free and common use thereof as had theretofore been enjoyed, or tending to interfere with or obstruct the rights of the petitioner therein, or in the beneficial enjoyment of its franchise therein.

Petitioner also prays for a preliminary injunction against the said Rapid Transit and Land Company from doing the acts aforesaid.

An order to show cause why a preliminary and temporary injunction should not issue against it, was directed to the Rapid Transit and Land Company, made returnable on the 11th day of November, 1901.

The facts, as shown by the bill and the affidavits introduced, appear to be these:

That the Hawaiian Tramways Company, Limited, is a foreign corporation, organized under the laws of Great Britain and Ireland, and operating in the streets of Honolulu, the street railway franchise mentioned, that in and by Act 69 of the Session Laws of 1894, of the Kingdom of Hawaii, a grant was made to "William H. Austin and his associates and assigns for such corporation as may be incorporated or organized by him or them, to construct, lay down, maintain and operate for the term of thirty years from the passage of this Act, a single track railway with all the necessary curves, switches and turnouts, or double track, or partly single and partly double track, or partly single and partly double, with such curves, switches, turnouts, poles, wires, underground or overhead conduits, and such other appliances and appurtenances as may from time to time be necessary for the use and operation thereof, along and upon the following streets, roads and places in the District of Honolulu:

The portion of King street in Palama mentioned in the bill of plaintiff is not included in said list of streets and roads. Section 3 of said Act provides the nature of the motive power to be used by the grantees of the franchise.

By Section 6 of the Act last aforesaid, it is provided:

First—Authority is hereby given the said association and others to occupy the streets and use the tracks of the Hawaiian Tramways Company Limited, in accordance with the provisions of Section 24 of Chapter 3 of the Laws of 1894, entitled, "An Act granting to William H. Austin and his associates, the right to construct and operate a street railway upon certain streets in the city of Honolulu, and providing that the said association and others shall comply with the provisions and requirements of this Section."

Second—Whenever it shall be necessary to cross the tracks of any other railway, the said association and others are authorized to construct and lay down at their own expense proper crossings, removing the rails so crossed for that purpose, but such construction and removal shall in done in such manner as to least interfere with the traffic of such other railway, and after the crossings are laid the expense of maintenance shall be borne equally by the said association and others and the owners or lessees of such other railway.

Third—In the use of any portion of the tracks of the Hawaiian Tramways Company, the care of the Hawaiian Tramways Company or of the said association and others, shall not remain standing on the portion used jointly but shall make only such stops as are required to take on and let off passengers.

It is further provided by Subdivision II of Section 2 of Act 69 of the Session Laws of 1894 that "Whenever a majority of the owners of property on any street or road in said Honolulu shall in writing petition the said association and others to lay railway in such street or road, and the Executive Council shall consent thereto, such railway may be laid thereon, and thereafter may be maintained and operated for the unexpired term of said franchise."

By the provisions of Section 24 of an Act of the Congress of the United States, entitled, "An Act to provide a government for the Territory of Hawaii," approved the 30th day of June, 1900, all of the powers and duties which by the laws of the Republic of Hawaii were conferred upon and assigned to said Executive Council, not inconsistent with the Constitution and laws of the United States, were conferred upon and required of the Governor of the Territory of Hawaii.

The Honolulu Rapid Transit and Land Company, respondent herein, and a corporation organized and existing under and by virtue of the laws of the Republic of Hawaii, is the successor and assign of Clinton G. Ballentyne and others.

It further appears that ever since the assignment of the rights, privileges, franchises granted to William H. Austin and his associates to the petitioner herein, to wit, some time prior to the 14th day of November, 1899, the petitioner herein has operated and maintained and still operates and maintains upon certain of the streets of Honolulu, a street railway, including the street known as King street therein, and on that portion thereof referred to in said bill.

That the Rapid Transit and Land Company, after becoming the assignee in interest of Clinton G. Ballentyne and his associates, and after its incorporation on August 31, 1898, began publicly to construct a street railway in Honolulu, said showing of cause alleging that said respondent "is now and since the 31st day of August last, has been, operating a street railway of the type aforesaid, through a number of the principal streets of said Honolulu, under and by virtue of its said charter."

It is admitted that the Rapid Transit and Land Company had at the time of the filing of the bill herein, commenced to construct and is constructing a street railway along King street for a distance of more than 1700 feet thereon, and along that portion thereof westward from Liliha street, and referred to in the bill, and in such construction of said portion of said street railway is paralleling the street track of the said plaintiff and petitioner.

It is claimed by the respondent that its action in so doing is in conformity with the grant in its franchise (Act 69 of the Session Laws of 1894 aforesaid), and of a decision of the Supreme Court of the Territory of Hawaii, namely, the case of the Rapid Transit and Land Co. vs. The Hawaiian Tramways Company, Limited, reported in 13 Haw., p. 363, and in response to a petition of a majority of the property owners of said King street, and with the charter of the Government of the Territory of Hawaii, in accordance with law and the regulations of the departments of the Territorial government of Hawaii, vested with authority in the premises.

The bill of plaintiff claims that the action of the said respondent is "in derogation of the prior valid rights of your petitioner, under its franchise, and that the laying of such tracks will interfere with and impair the beneficial enjoyment of the prior valid franchise of the petitioner."

The jurisdiction of this Court is invoked through allegations in the bill that the charter of the respondent is unconstitutional, null and void, is in conflict with the Constitution of the United States of America; and that said charter and each and every portion thereof, is in conflict with the laws of the United States, and in particular with that certain Act of the First Session of the Fifty-Sixth Congress of the United States approved April 30, 1900, and entitled, "An Act to provide a government for the Territory of Hawaii."

It further appears that W. H. Pain, from the year 1888, has been and now is the manager of the business of the said petitioner in the city of Honolulu.

That prior to the filing of the bill in equity herein, to wit, on the 22d day of January, 1901, in accordance with the provisions of Sections 1255 to 1258 inclusive of the Civil Laws of the Territory of Hawaii, a submission of certain alleged facts was made to the supreme Court of the Territory of Hawaii, and a decision therein rendered by the said Supreme Court, on the 26th day of April, 1901, in an action entitled, "The Rapid Transit and Land Company vs. The Hawaiian Tramways Company, Limited."

The facts of the controversy as set forth in the said submission signed by the parties thereto and as appears in the opinion and judgment of the said Supreme Court of the Territory of Hawaii, reported in 13 Haw., page 363, were as follows:

First—That the said Hawaiian Tramways Company, as authorized by law, is operating a street railway or tramway in Honolulu in the Territory of Hawaii, and occupies a single track with switches and turnouts on King street from the Waikiki road to a point near the government pumping station at Kalia. Said Tramways Company proposes to lay a double track other than the necessary turnout and switches along said King street, and to operate thereon a tramway by electricity.

Second—That the said Honolulu Rapid Transit and Land Company is the lawful holder of a franchise granted to Clinton G. Ballentyne and others by Acts 69 and 70 of the Session Laws of 1894, and having received a petition from the majority of the owners of property on said King street and the Executive Council having consented thereto, for that portion of said King street lying between Nuuanu stream and Thomas square, it proposes to lay such railway and operate the same on said street between said points, the distance between said points being greater in excess of seventeen hundred (1700) feet.

Third—That no act which could be construed as an act of acceptance of the Act of 1894 was done by the Hawaiian Tramways Company, Limited, until after the expiration of the time limit set out in the Act of 1894.

Fourth—That in the month of June, 1899, the Hawaiian Tramways Company, Limited notified the Minister of the Interior of its intention to lay a double track on all the roads covered by its franchise and included in the notification to the Minister of the Interior a statement of the proposed alignment of the double track on the streets and requested the Minister of the Interior to notify the company if he had any suggestion to make as to the grade or alignment. About the 25th day of July 1899 the Minister of the Interior replied to the Hawaiian Tramways Company, stating that he had no objection to offer to the laying of the proposed tracks, and no suggestions to offer as to the grade or alignment, and the Hawaiian Tramways Company Limited, thereupon proceeded with the work, preparatory to laying the double track.

The following are the issues of fact and law:

First—Has the Hawaiian Tramways Company Limited the right to lay the double track along King street as above described?

Second—Has the Hawaiian Tramways Company Limited the right to operate a tramway by electricity?

Third—Has the Honolulu Rapid Transit and Land Company the right to lay a track on King street for more than 1700 feet?

The judgment of the Supreme Court of the Territory of Hawaii, in the above case, was that the two last above questions were answered in the negative, and the third question in the affirmative.

# ARE PEOPLE BEING POISONED BY THE SEWAGE-FED FISH?

DESPITE the fact that there has been a great deal of sickness reported in the city, which was directly attributed to the eating of sea food, and the accompanying fact that the fishers now congregate at night in the vicinity of the outlet of the main sewer, where there seems to be an abundance of fine fat fish and lobsters, the Health department does not believe that there is any possibility of danger from the food fishes taken there.

Dr. Sloggett, president of the Board of Health, said yesterday that there had been an investigation of the report that disease had been spread from the sewer, and there was not a case which could be traced directly to the eating of fish from that vicinity. Dr. Pratt, executive officer of the Board, corroborated this statement and said that in the absence of such specific

information there could be no interdiction of the use of the fish from that section.

The report of the fishes brought to the Honolulu market shows that from the Kalia district, which is supposed to cover the point where the outlet of the sewer system is placed, there came last month only about one-third as many fish as were taken at Waikiki and less than one-half as many as were brought in from Koolau.

In conversation Dr. Sloggett said that there was no danger in such fish owing to the fact that in the process of digestion the supply of food taken by the fish is converted into new flesh and is therefore without any possible effect upon the human organism. The fact that there seems to be no such possible connection, has led to the abandonment of the first position of the Board, that it might be wise to cut off the privilege of fishing at the mouth of the sewer.

Upon the submission in the aforesaid case, Messrs. Kinney, Ballou & McClanahan appeared as attorneys for the Rapid Transit and Land Company, and Messrs. Paul Neumann and Holmes & Stanley appeared as attorneys of record for the Hawaiian Tramways Company, Limited.

Thereafter, on the 6th day of November, 1901, the date of the filing of the bill herein, a bill in equity was filed in the Circuit Court of the First Judicial Circuit of the Territory of Hawaii by the Hawaiian Tramways Company, Limited, verified by W. H. Pain, as the manager of said company, in an action entitled, "The Hawaiian Tramways Company, Limited, vs. The Rapid Transit and Land Company," wherein J. J. Dunne, John T. De Bolt and Thomas Fitch represented the petitioner. The said bill sets up substantially the same facts and with the exception of the jurisdictional clause, and prays for substantially the same relief as in the bill herein.

In the bill filed in the First Circuit Court of the Territory, the following sworn allegations appear: (The same allegations being substantially set up in the affidavit of said W. H. Pain, filed herein in support of his bill, to wit:

"Your orator further shows that on the 22nd day of January, 1901, a certain purported controversy was attempted to be submitted for decision to the Justices of the Supreme Court of said Territory; and that thereafter on March 27th, 1901, a purported stipulation to submit additional facts was sought to be filed in said submission of said purported controversy, and thereafter on the 26th and 29th day of March, 1901, said submission of said purported controversy came on for hearing before said Supreme Court of said Territory, and in this behalf your orator shows that a duly certified copy of said submission and of the pretended proceedings had therein is attached hereto and is made a part hereof and is marked Exhibit A. And your petitioner further shows that thereafter, to wit: on April 26th, 1901, said Supreme Court, acting solely in pursuance of said pretended and purported submission of said pretended controversy, made and gave its decision thereon, which said decision is fully reported.

of this Court or without the jurisdiction of Great Britain and Ireland. Since 1888 W. H. Pain, as he testifies, has acted as the sole manager of this corporation in these Islands; during this time he has had the exclusive control of all its affairs in this Territory, "including the employment and discharge of attorneys and counsellors and the management and control of all litigation."

Complainant is now seeking for a temporary injunction against respondent, which is allowable only when from a full statement of the facts a permanent injunction might be granted.

It appears, from the facts brought out on the hearing, that the complainant and respondent were heretofore parties to certain litigation affecting their charter rights to construct and maintain street railways in the city of Honolulu, and especially in relation to their right to lay a street railway track on King street in the city of Honolulu, and being desirous of settling their differences as to their respective rights to the use of King street in Honolulu, they did, pursuant to Sections 1255 to 1258 inclusive of the Civil Laws of the Territory of Hawaii, on the 22nd day of January, 1901, enter into an agreement whereby their differences were submitted to the Supreme Court of the Territory of Hawaii for its adjudication, and which adjudication the parties agreed to abide by. This agreement and statement of facts was originally signed by "Honolulu Rapid Transit and Land Company, by W. R. Castle and Kinney, Petitioners," and "Hawaiian Tramways Company, Ltd., by Holmes & Stanley, Counsel." And a further agreement or stipulation was also made and executed on the 26th day of March, 1901, which was signed by "Kinney, Ballou & McClanahan, attorneys for the Honolulu Rapid Transit & Land Co.," and by "Holmes & Stanley, Attys. for Hawaiian Tramways Co. Ltd.," and submitted to the Supreme Court of the Territory of Hawaii as appears by the Exhibit "A," which is made a part of the affidavit of W. H. Pain, filed in support of his bill in this proceeding.

It also appears from said Exhibit "A," that Clinton G. Ballentyne, as manager of the Honolulu Rapid Transit and Land Company, and W. L. Stanley of Holmes & Stanley, attorneys for the Hawaiian Tramways Company, made oath before Edmund Hart, a notary public, that the controversy "is real and the proceedings in good faith to test the rights of the parties."

The minutes of the Clerk of the Supreme Court of the Territory of Hawaii for the 26th day of March, 1901 (a portion of said Exhibit "A") show that all the attorneys for both sides of said controversy appeared before said Court, and that W. L. Stanley, one of said attorneys for the Hawaiian Tramways Company, read said agreed statement of facts to the Court and argued the case on the part of said company; that Mr. McClanahan argued the case for the Honolulu Rapid Transit and Land Company, and that on the 26th day of March, 1901, both Mr. Stanley and Mr. Paul Neumann replied to the argument of Mr. McClanahan.

It was also uncontradicted that Mr. Pain was present in the said Supreme Court, and listened to the argument made therein at that time, and at no time, until the last day of the proceedings in this Court, has he objected to said submission on the part of the complainant, or even to the decision of the Court.

The case was decided by the Supreme Court of the Territory on the 26th day of April, 1901, and that decision remains the law of that case by which the rights of the parties in this case as to the use of King street were settled.

It appears further from the evidence in this proceeding that from 1888 to the present time, Mr. W. H. Pain has been and still is the sole manager and representative of the said plaintiff and petitioner in this Territory, and as such he has had control, direction and management of all the transactions of said corporation in said Honolulu, "including the employment and discharge of attorneys and counsellors and the control and management of all litigation."

The complainant is now trying to avoid the effect of the decision of the Supreme Court of the Territory in the case referred to, alleging that no statement of facts was agreed to by it, or by any person authorized to agree upon such statement of facts, and that it had no knowledge of said submission, notwithstanding the fact that Mr. W. H. Pain, its exclusive representative here and has the "management and control of all litigation of the company," and is now acting as the manager and representative of the company in the proceeding in this Court. Mr. Pain, being also the only person testifying to the effect that complainant is not bound by the aforesaid decision, and that the said agreement and statement of facts was without the authority or knowledge of the complainant.

It has been shown in this proceeding that Mr. Pain was in the Supreme Court during the argument and submission of the facts in that case. He himself testifies that he was present, and it is uncontradicted that he is the only officer or agent of the corporation in Honolulu. Now, if, from 1888 to the present time, Mr. Pain has had the exclusive control and management of all the business of the complainant, "including the employment and discharge of attorneys and counsellors and the control and management of all litigation," he must have had power to control this litigation if he be aware of it in his affidavit is true. And if he had power to control all of the litigation of complainant from the year 1888, why did he sit quietly by, without making a protest to the Court or to any one else on behalf of the company he represented until a final judgment was entered in that case against his company, and not even then? If the attorney therein were not acting within his authorization, he had the right to dis-

charge them, and it was his duty to his principal to discharge them, and to make a summary application to the Court for redress.

He admits he was in Court during the proceedings in the Territorial Supreme Court, and he testified in the hearing herein, when examined in relation to the stipulation for submission of further facts in the Supreme Court matter, that "he knew some question arose as to whether they should do something and they did," showing his entire familiarity with the case and the action being taken by the attorneys therein.

"There is no principle of practice better settled in our American law than that an appearance in Court by an attorney for a client carries with it the presumption of authority to appear." (Bunnfield vs. Thorp, 71 Fed., 324.)

"It is well established that an attorney appearing and acting for a party to a cause has authority to do so, and to do all other acts necessary or incidental to the proper conduct of the case, and the burden of proof rests on the party denying such authority to sustain his denial by a clear preponderance of the evidence." (Hill vs. Mendenhall, 21 Wall., U. S., 453; Osborn vs. U. S. Bank, 9 Wheaton, U. S., 739.)

And this is especially so in relation to foreign corporations, which can only appear by attorney.

"The circumstance that the declaration in a suit by a corporation was signed and filed by an attorney at law, for the plaintiff, is sufficient evidence that the plaintiff appeared—as a corporation must appear—by attorney." (State Bank vs. Bell, 5 Ind., 127.)

It is clear that managing officers of corporations have power to employ attorneys and counsellors without delegations of power or formal resolutions to that effect. And while Mr. Pain claims that he did not authorize these attorneys, Messrs. Holmes & Stanley or Paul Neumann, Esq., now deceased, to act as the attorneys for the corporation complainant in that case, yet the whole of the proceedings in the case, including the appearance in Court of the manager of the complainant (and its only representative in these Islands) during the proceedings, and the absence of complainant ever placing the rendition of the decision, shows that it is readily admitted to that Court the authority of the attorneys to act in the matter. And again, while Paul Neumann, Esq., has since deceased, yet Messrs. Holmes & Stanley are here, and if the complainant so desired, we could have had their testimony in this proceeding.

The decision of the Supreme Court construing the charters of the parties to that action and their respective rights thereunder, including the right to lay the track on King street on the part of respondent herein for a distance of more than seventeen hundred feet thereon, is binding upon this Court in the event there was no Federal question involved.

Western Union Telegraph Co. vs. Call Publishing Co., 131 U. S., 53; Egan vs. Hart, 165 U. S., 188; Chicago & Burlington vs. Chicago, 166 U. S., 242; Gardner vs. Bonnell, 180 U. S., 362.

It was said, in the case of the Guaranty Trust Co. vs. Galveston, 107 Fed., 220, that:

"We follow the interpretation given to the statutes of a state as appears by the decision of the Supreme Court of the state."

First National Bank vs. Chehalis County, 258 U. S., 440; Nobles vs. Georgia, 163 U. S., 338; Fordice vs. Dabose, 87 Texas, 78.

No Federal question appears to be involved in the proceedings before this Court, and no argument was presented in favor of any such question. It is true the petition of complainant alleges that there is a constitutional question involved, in that the granting of the franchise to the Rapid Transit and Land Company was in violation of the prior valid rights of the complainant, but I find further in the submission of facts to the Supreme Court that it was admitted that the said "Honolulu Rapid Transit and Land Company is the lawful holder of a franchise granted to Clinton G. Ballentyne and others by Acts 69 and 70 of the Session Laws of 1894."

Can the complainant, after admitting in one court of competent jurisdiction the lawful holding of a franchise by the respondent, and have the case tried upon that theory, then come into another Court of different jurisdiction and deny the validity of that franchise in an attempt to invoke the jurisdiction of that other Court in a proceeding in equity? This Court will not consider such an attempt.

It does not seem necessary to pass upon the question whether the complainant has complied with all the statutes of the Territory of Hawaii in relation to foreign corporations, in rendering the decision in this matter.

One of the questions submitted to the Supreme Court of the Territory, as appears from the foregoing statement of facts, is:

"Has the Honolulu Rapid Transit and Land Company the right to lay a track on King street for more than seventeen hundred feet?"

To which question the Supreme Court, after an exhaustive inquiry into the various statutes and franchises under which the two parties were acting, decided in the affirmative. And that is substantially the only question now before this Court, and which question has been settled by the decision of the Supreme Court of the Territory.

This Court will not listen to a collateral attack made in this case upon the judgment of the Supreme Court of the Territory. It is an established principle of equity jurisprudence, elementary in its nature, that "he who seeks equity must do equity." And that he who seeks equitable relief must come into court with clean hands. The complainant has not come into this Court with clean hands.

Gallagher vs. Hopkins 145 U. S., 338; Willard vs. Wood, 16 U. S., 52; Whitney vs. Fox, 106 U. S., 637; Penn Mutual Life Insurance Co. vs. Austin, 18 U. S., 698.

Messrs. Dunne and De Bolt attorneys for the complainant, this Court holds, are authorized to act in this proceeding, yet from all the facts there has not been such a showing made as will entitle this Court to assume jurisdiction in this matter, or entitle the complainant to any equitable relief herein. The preliminary injunction is denied, and the bill dismissed with costs.

ESTEE.

J. J. Dunne and John T. De Bolt, attorneys for petitioner, W. R. Castle and Kinney, Ballou & McClanahan, attorneys for respondent.

# FOOD NOT ALL

Food is not all the thin man needs. Maybe he's sick. You can't make him eat by bringing him food. But Scott's Emulsion can make him eat. That Emulsion gives a man appetite and feeds him both. It brings back lost flesh.

No trouble about digestion. The weakest stomach can digest Scott's Emulsion. It tastes good, too. Scott's Emulsion paves the way for other food. When wasted and weakened by long illness it gives strength and appetite that ordinary food cannot give. Not only food—medicine, too—Scott's Emulsion of pure cod-liver oil.

We'll send you a little to try if you like. SCOTT & BOWNE, 409 Pearl Street, New York.

# Wm. G. Irwin & Co., LIMITED.

## Fire and Marine Insurance A'gts.

AGENTS FOR THE

Royal Insurance Company of Liverpool, Alliance Assurance Company of London, Alliance, Marine and General Assurance Co., Ltd., of London, Scottish Union National Insurance Company of Edinburgh, Willelma of Magdeburg General Insurance Company, Associated Assurance Co., Ltd., of Munich and Berlin.

# Auction Sale of Delinquent Sugar Stock.

ON SATURDAY, DECEMBER 14, 1901, at 12 o'clock noon, my salesroom, 65 Queen street, Honolulu, I will sell at public auction, by order of the Treasurer, Mr. Elmer E. Paxton, the following certificates of stock in the Olan Sugar Co., Ltd., unless the seventh assessment, delinquent November 20th, with interest and advertising expenses, is paid on or before the day and hour of sale at the offices of the B. F. Dillingham Co., Ltd., Stangenwald building, Honolulu:

Certifics. Name. Shares.

1483 Joe Keskila	5
312 E. N. Miller, Jr.	25
249 J. L. Wheeler, Jr.	50
294 Willie Wright	10
496 James McCready	17
522 J. E. Westbrook	17
323 Ching Hung	8
569 Mary Ferreira	37
617 Mrs. Mary E. Viven	5
672 W. W. Wright	17
673 J. T. Wright	5
1025 Louis S. Gear	24
1325-1876 McE. Stewart	125-5
1267 W. L. Howard, Tr.	5
1593 A. L. Anderson	12
1652 Mrs. W. T. Patsy	12
1737 Mrs. H. C. Austin	12
1826 J. Maxwell Taft	12
1837 H. McKechnie	5

ELMER E. PAXTON, Treasurer, Honolulu, November 23, 1901.

JAS. F. MORGAN, AUCTIONEER.

# EVERY DAY FACTS.

Honolulu Produces Its Share—This Comes From Kawaiahao.

What makes anything a fact? Isn't it an occurrence of statement that can be proven true and correct in every particular? What constitutes conclusive evidence to the mind of a Honolulu citizen? Is it the statement of some one made in Texas or California? We think not, but when some of our own people make a statement and it is endorsed by many, there can be no question about that. Under these circumstances we call them facts, and they are every-day facts, because they are occurring every day. Don't take our word for what is said. If you are not satisfied, ask them; people don't make such assertions without good reasons.

The Rev. J. Nua of Kawaiahao informs us:

"I suffered from kidney trouble, which was, I believe, caused by my lifting heavy weights whilst young. Pains in the small of my back were one of the symptoms of my complaint. My trouble extends back to the time when I was 23 years of age, and as I am now 49, that is a considerable period. During all this time I was subject to pains in the back. They continued despite the fact that I consulted several physicians and took numerous remedies. No relief thus gained can be compared to the benefit obtained from using Doan's Backache Kidney Pills. I have got on wonderfully well since taking them. I am quite satisfied with the result, and shall always have some of the pills by me, even when going from Honolulu to other missionary fields in the South Pacific. There is no other remedy like Doan's Backache Kidney Pills for kidney complaints, including backache."

It is important to get the same pills which helped Mr. Nua—DOAN'S BACKACHE KIDNEY PILLS. Therefore, ask for Doan's Backache Kidney Pills.

Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50 cents per box (six boxes for \$3.50), or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

F. Clifford Rhodes has gone to Washington to take a place in the government printing office. He passed a 97 per cent examination here.



# TRADE GOOD IN MANILA

## Many Chances for American With Cash.

"There is an excellent opportunity opened for men with capital and good ideas to make money, and plenty of it, in the Philippines," said R. H. Brotherton yesterday. Mr. Brotherton, who was here for two years as secretary to Colonel Rublin, when that officer was the depot quartermaster, arrived in the Peru from the Orient, on a some weeks here.

"During the past three years there have been many good things opened up by Americans who have gone down to the islands, and there are still many just as good awaiting the arrival of the man who has the energy and push to make the labor saving utensil is needed, and wanted too, in the islands. For a century the people have stood still, and they turn their soil with a bent limb of a tree. There was not a steel plow in the group until an American took one there."

"American capital, though it is not going in with the rapidity expected and the investments have not been in the lines which the older residents looked for. In the valley of the Cagayan two rich plantations, ranging above 25,000 acres in extent, have recently been bought by Americans, and it is understood to be the intention to improve them at once. There have been other purchases in the northern end of the island, too, and the capacity of the islands for production of sugar and tobacco will be a great source of income."

"With characteristic enterprise, some Americans have already taken up the plan of making a market for the purpose of controlling the output of hemp. It is easier to control the crop than to take care of the growing of it, so the men behind the enterprise have been consolidating the old interests, which in the past used to control the market. This will affect the southern islands much more than the island of Luzon, which is not heavily in the hemp growing business."

"The timber business is one of the most remunerative owing to the high price of lumber of every kind. There is a little ant which eats through a large timber stick, of any soft wood, within a couple of weeks, rendering it impossible to use other than the hardest of woods in the houses of houses. There are not enough houses in Manila and the rents are exceedingly high. Few houses are being built on account of the high prices of lumber of all kinds. There are few saw mills, and again there are few licenses to cut timber from the public lands. For a few months early in the year, the licenses for timber cutting were not renewed, but the prices of lumber went so high that the department allowed the taking off of trees under the old plans. This branch of industry employs many men, but was hampered by the destruction of so many of the carbon, which are the only means of burden of the country. The timber most in use is a hard wood something like oak, while there are other trees of the mahogany varieties which enter largely into the trade."

"There are good deposits of minerals in sight, the principal one being of course the coals, which are found as close as fifty miles to Manila. This coal is found also in other parts of the archipelago, and while it is not of the very best, it is as good as the Nagasaki, or the usual grade of the Japanese coals. There are, too, large measures of iron ores, while it is known that there is gold, for the Spaniards for many years took gold out of old mines, but the product was small on account of the methods followed. The coals are being worked, but the development of the mineral wealth is only desultory as yet."

"Great things are expected from the syndicates which are being organized for the purpose of exploiting the country, the Elkins company, which has been represented as planning the establishment of a bank with a capital of \$5,000,000, being one of the greatest in sight. The outlook for the future business is good. The climate is not to compare with Honolulu, but there are men there whose health is of the very best. Governmentally, the situation is improving, and the people have confidence in the administration of Governor Taft."

## COURT NOTES.

(From Wednesday's daily)

Albert Greick, indicted by the last grand jury on a charge of larceny of three kegs of beer from the Honolulu Brewery, was acquitted by a jury in Circuit Court yesterday. Just prior to the return of the verdict Judge Gear threatened to take the case from the jury because of lack of evidence. Attorney F. M. Brooks having made a motion to that effect.

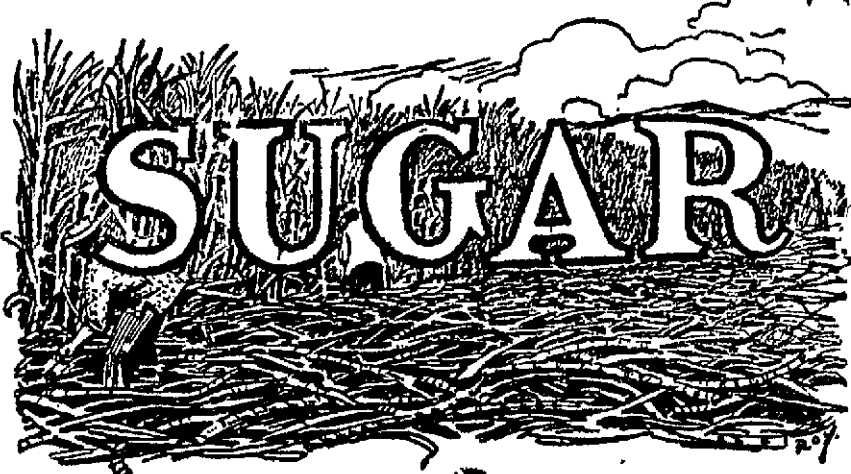
From the evidence of the Territory's witnesses Greick brought the three kegs (the empties were in evidence in the courtroom) to the house of Reed early one Sunday morning. Mrs. Reed and several other witnesses corroborated this part of the story, but the prosecution failed to establish the connection of the three kegs with the brewery, none of the witnesses identifying the barrels as any stolen from the place. At the conclusion of the evidence of the prosecution, Mr. Brooks moved for a discharge of the defendant on the ground that the evidence failed to connect the beer found in the possession of Reed with any taken from the brewery. The court was inclined to take the case from the jury on this motion, when Mr. Catheart asked for permission to reopen the case, and introduce further testimony. Representatives of the brewery were then called in and identified the barrels as being the same kind used by them, but none of the witnesses were able to establish any positive connection or proof that the kegs of beer had been stolen.

The court allowed the case to go to the jury, and they were out only long enough to take a ballot and sign the verdict of "not guilty."

The following jury heard the case: H. C. Bickerton, George W. Macy, J. A. K. Merriam, Harry B. Swinton, John L. Hanemann, James M. Sima, David Nottley, Guy Livingston, Edward K. Blake, George K. Kala, George W. Harrison and Alexander K. Apsa.

THE NOBREGGA CASE.

A decree was signed yesterday by



## WILLETT & GRAY'S LAST CIRCULAR.

Statistics by Special Cables.—Cuba.—The six principal ports.—No receipts; exports, 6,800; stock, 44,500 tons, against 1,733 tons last year. Grinding has ceased.

Europe.—Stocks in Europe, 1,256,000 tons against 924,832 tons last year. Total stocks of Europe and America, 1,474,008 tons against 979,714 tons last year at the same uneven dates and 1,304,420 tons at the even date of Oct. 1, 1900. An excess of 494,234 tons, against an excess of 339,233 tons last week, and a deficiency of 86,983 tons December 27th, 1900.

Raws.—The week has been a very dull one with an easier tone prevailing. At the opening Demeraras were sold at equal to 5/4c. for 96 deg. test, since which time buyers have been holding aloof, so that but little business has been possible. Centrifugals in many positions have been freely offered, basis 3/4c. for 96 deg. test, while sugars to arrive from Brazil were rather more urgently pressed for sale, resulting in the placing of a cargo for shipment to Philadelphia at 3 25-32c. for 96 deg. test Centrifugals and at 3 1-16c. for 87 deg. test Muscovados. The Brazilian crop is early this season and will show a large increase over last year's production. It has been expected that receipts would show a great reduction after the fleet of Java steamers came in, but such falling off is not yet noticeable and arrivals from Cuba, Demerara, Hawaii, Brazil, and other sources continue to an extent about equal to requirements. At the close there are buyers of Centrifugals at 3 11-16c. European markets have been quiet, with fluctuations of only 1/4d. in beet sugars, closing at 7s 3/4d. f. o. b. Hamburg. The depression in the sugar markets is world wide and has been caused by the large crops, particularly by the immense increase in European beet crops. The only hope of relief is in a heavy reduction of beet-root sowings next season, to bring about which, efforts are now being made. Our European friends write that it is hoped there will be no general advance in prices before next spring, when the crop will be planted, otherwise growers may again be tempted to sow largely and thus prevent an improvement in the situation.

Refined.—The easier market for raw sugars and the falling off in the demand for refined, brought about a decline of 10c. per 100 lbs. in all grades by Arbuckle, which was soon met by the other refiners, all selling now on the same basis. Shipments of nearly all grades are fairly prompt and guarantees to arrival are given as before. Lake and rail shipments will soon be discontinued for the season. New Orleans refined sugars are 10 points below New York quotations. The business doing here is only fair. There are no special indications for the immediate future, but the course of the market will largely depend upon the demand.

Coffee.—At the time of our last report the coffee markets were excited under the influence of continued reports of crop damage by drought. During this week several cables from Brazilian firms which had been foremost in regarding drought, now say that rains have set in, but in the same breath try to convey that they have come too late to do any good. We think this is another example of the nonsense which has prevailed and used to such an extent by speculators to advance the market. The option markets have given way considerably from the top prices under heavy realizations, but the present decline is perhaps due more to confirmation that there are heavy rains in the interior of Brazil and that the prospects appear to be much better than they had been reported. It is

Judge Gear in the Nobregga divorce case. The defendant is given fifteen days in which to pay the \$10,000 alimony ordered.

DAVIS WANTS NEW TRIAL.

An affidavit in support of the motion for a new trial in the case of Wm. Davis was filed by Marston Campbell yesterday. Affiant states that from the relative positions of defendant and the prosecuting witness at the time of the shooting, it would have been impossible for Davis to have fired the bullet. One of the grounds in support of the motion is that the jury which rendered the verdict was not authorized by law to do so.

Campbell, in his affidavit, says that he is a civil engineer by profession, and is familiar with the angles resulting from the course of missiles, projectiles or other moving bodies. "The deponent further alleges as follows: "That he has been informed that at the trial herein a witness testified that while sitting in a two-wheeled vehicle in the position ordinarily maintained by a person driving, defendant being on horseback, shot witness in the back while witness was in such a position that the bullet entered below the right shoulder blade and came out above the right nipple, and that said bullet was not deflected in its course."

"That deponent alleges that as a matter of fact said witness could not have been shot in such a way, that if he had been so shot the course of the bullet would have been slightly downward instead of upward, that for the bullet to take such a course as is testified to by witness, defendant would have been up on the ground, or witness in a lying down position."

"That deponent has caused a sketch to be made under his direction to illustrate the course the bullet would have taken if the same had been fired as testified to by said witness."

THE DESKY CASE.

The hearing of the case of Kapilani Estate vs. Chas. Desky was held yesterday in chambers. The court reserved its decision. This is the suit for foreclosure of mortgage upon the property of Kapilani. A decision was filed by Judge Humphreys sustaining the demurrer in the complaint in the case of F. W. Winters

well known that the legitimate coffee trade have not indulged in the advances.

MAKE CUBA SUGAR FREE.

Senator Henry Cabot Lodge, the intimate friend of President Roosevelt, in the course of a speech last week on the question of reciprocity, said: "First, and the most important of all, in my opinion, for political as well as for economical reasons, is reciprocity with Cuba. The prosperity and development of that great island are important to the United States in a degree second only to the welfare of one of the States of the Union."

The Havana Post in an editorial says:

"The greatest market in the world is in the United States herself. The commerce of the first magnitude is the commerce between and in the States of the Union. The American people make more money than any other people, and they spend more than any other. This produces an enormous amount of domestic trade and interstate commerce. Cuba asks to be put in the way of doing the same thing. We want to be taught how to manage money. We probably know the United States to spend it. It will pay the United States to help us and to teach us in this respect. For whatever we shall be enabled to make by closer commercial relations with the Yankee money makers, we are entirely willing to spend with the Yankee money makers. Cuba has acquired the habit of spending all that is made here and recently the island has run into debt. Hence the United States can rest assured that for a good many years to come what ever money Cuba may make will be paid out immediately to somebody. We prefer that that somebody shall be in the United States."

"Last year Cuba imported \$66,000,000 worth. The United States imported \$225,000,000, or twelve and one-half times as much; but there are fifty times as many inhabitants in the United States as in Cuba. Therefore, man for man, Cuba imported four times as much as the United States. This island was impoverished and stripped bare by Weyler's warfare. The very roads, the paths as well as the highways, were effaced by the devastating conflict. Cuba came out of the war naked and she will take many years to clothe her people."

"Here is a market for the American products such as no other part of the world offers. Porto Rico is not worth mentioning. Hawaii and the Philippines do not compare with it. No country in South America offers such an invitation. It is the one great opportunity for American manufacturers. It is only limited by the means the financial capacity of the island. We would have bought \$200,000,000 worth last year, three times as much as we really bought. If we had the money or the credit, it is obvious that Cuba is not asking something for nothing. Cuba is not approaching the United States in the attitude of a beggar. We are offering dollar for dollar. All that is needed is an equitable, intelligent and reciprocal arrangement."

Make Cuba raw sugar free and thus assist in the development of the island, and which we started out to do three years ago.

Evidently, whatever we give to Cuba will come back to us in the form of orders for our machinery, agricultural implements, breadstuffs, rice, etc. It will prove widespread benefit to our manufacturers and farmers and, by cheapening sugar, it will benefit consumers, preservers of fruits and people at large. This will not destroy any domestic industry; in fact, we believe Congress will protect all American sugar interests."

Our sugar producers, with the exception of those whose factories are unprofitably located, have demonstrated that they do not need anything like the heavy protection now granted them. They should take a broad view of this matter and, while claiming a reasonable protection, they should remember that the interests of Cuba, of manufacturers and of the people must also be protected.—Willett & Gray.

Geo. Markham, and dismissing the bill.

CRIMINAL MATTERS.

In the case of Kallhanu, charged with the larceny of tools from David Kaimai, a plea of guilty was entered and the defendant, sentenced to pay a fine of \$50 and costs taxed at \$3.50.

Sentence was suspended in the case of Luna Nui Kahoomia, charged with larceny in the second degree. The defendant pleaded guilty to the theft of a bicycle from H. C. Brown, the secretary of the Y. M. C. A.

A nolle prosequi was entered by Deputy Attorney General Cathcart in the case of A. Lazarus, the youth charged with placing stones on the rails of the Rapid Transit Company.

The cases of F. H. Loucks and Joseph Hartmann were nolle pressed yesterday. The former was charged with heedless driving and was fined \$25 in the lower court.

Hartman was charged with violation of the liquor laws and was fined \$20 by Judge Wilcox.

An inventory has been filed in the estate of Esther E. Hines, showing sugar stock valued at \$3,500.

Willie Hall is making another attempt to break away from the spendthrift trust guardianship of George R. Carter. Yesterday his attorney withdrew the appeal to the Supreme Court and filed a new petition asking for the removal of Carter and the appointment of John F. Colburn in his place.

The appeal was from the decision of Judge Humphreys denying the petition formerly filed to terminate the spendthrift trust. It was intended to test the constitutionality of the law but this is abandoned in the new suit filed yesterday.

In the petition filed in behalf of Hall it is alleged: "That since the appointment of said George Carter as such guardian said guardian said he would allow the sum of ten dollars a week for the support and maintenance of petitioner, but since said appointment he has only received

the sum of \$22.50, which said sum is wholly insufficient for the purpose of supporting and maintaining said petitioner.

"That the said George R. Carter since his appointment on the 29th day of August has not ascertained the amount of your petitioner's indebtedness, nor made any effort to increase the income of petitioner's estate; that the value of said estate is \$40,000 and under proper care and management should yield an income of \$3,000 per annum, which said sum would enable your petitioner to live comfortably and as his station and the value of his estate warrants.

"That your petitioner is a single and unmarried man and has no person depending upon his support, and humbly represents that he is entitled to receive the net income from all his property.

"That your petitioner now desires to have the said George R. Carter file his accounts and prays that John F. Colburn or some other suitable person be appointed in his place.

"That your petitioner since the said appointment has not drunk any intoxicating liquors excessively, nor does your petitioner spend his time in idleness, gaming or debauchery, nor does he spend or waste his income, nor will he waste or lessen his estate so as to expose himself to want or suffering, and your petitioner alleges that the said George R. Carter is not his friend, or in any way related to him, and the relations between him and the said George R. Carter are strained and of such a character as to render it impossible for your petitioner to continue friendly in his business relations with the said George R. Carter, and your petitioner further alleges and so charges that no reason exists at the present time why the said George R. Carter should be continued as guardian.

"That your petitioner is of the full age of twenty-one years, has a knowledge of the value of his real estate, and has formed ideas, and is able to make suggestions as to the best means to be adopted to increase its value by which it would yield an income upon which your petitioner could live comfortably.

"That Margaret Felbehr who filed the petition to have said guardian appointed is the aunt of your petitioner, but has no further claim upon your petitioner, is not interested in his estate, nor is she the confidential friend and adviser of your petitioner. The said Margaret Felbehr is not a person of property and means, and has no financial standing in the community nor is she an expert in business and would not be competent to manage, care for and control the property of others. The petitioner herein, hereby craves leave to refer to the record proceedings in preference relative to the appointment of the said George R. Carter, and to introduce the same in evidence on the hearing of this petition.

"Your petitioner therefore prays that upon the hearing, your Honor will declare and decree that George R. Carter be discharged as guardian and that he shall file his account forthwith in court, and that John F. Colburn be appointed in his stead."

Kinau to Be Re-fitted.

President Wight, of the Wilder Steamship Company, states that the steamer from Hilo that orders have been placed for the building of a new steamer to run between Hilo and this port, are all unfounded. While it is possible that a new vessel will be ordered to take the Kinau's present run, the matter is still under discussion, and nothing in regard to it has as yet been decided.

It is decided, however, that the Kinau is to be sent to the Coast to be re-fitted. She will start some time next year, and will be taken to San Francisco, where the work of refitting her will be done by the Union Iron Works.

A GOOD COUGH MEDICINE.

(From the Gazette, Toowoomba, Australia.)

I find Chamberlain's Cough Remedy is an excellent medicine. I have been suffering from a severe cough for the last two months, and it has effected a cure. I have great pleasure in recommending it.—W. C. Wockner. This is the opinion of one of our oldest and most respected residents, and has been voluntarily given in good faith that others may try the remedy and be benefited, as was Mr. Wockner. This remedy is sold by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

G. N. WILCOX, President. J. F. HARTFIELD, Vice President.

E. SUHR, Secretary and Treasurer. T. MAY, Auditor.

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# Hawaiian Gazette.

Entered at the Postoffice of Honolulu, H. T., Second-class Matter.

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ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

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—Payable invariably in Advance.

A. W. PEARSON,  
Manager

FRIDAY : : : DECEMBER 6.

It's getting about time for the Tramway company to put on its own funeral car.

Isn't the Republican party of Hawaii big enough to get along without coon politics?

If Grover Cleveland would send another recruit or two to organize Republicanism in Hawaii, the party might soon be worthy of the Maine ex-Democrat who wants its support for Governor.

If the machine men knew what their standing had become at Washington they would hang their heads upon the willows and recommend their distinguished leader to embark in the white-washing trade.

One of the most encouraging signs on the political horizon of Hawaii is that President Roosevelt has small confidence in party machines and is disposed to consider, in all his policies and appointments, the cause of good government.

If the land experts could be made to say what they would take for the property if they owned it there would be mighty little talk of \$5 per acre values. We doubt that there is an acre on Oahu which would not bring more than that sum at forced sale.

Two Republican candidates for the United States Senate from West Virginia, to succeed Senator Scott, have announced themselves. One is Henry Schumacher, a brewer, of Wheeling, and the other is J. L. Caldwell of Huntington. The latter is the son of a United States Consul who was accredited to Hawaii in the 60's.

Liliuokalani will get the crown lands through an item in the same bill that provides for the payment of the McGowan and sundry other land claims which have been before Congress for thirty or forty years. All Her Majesty needs is patience and a sufficiently long life. In the meantime she manages to struggle along with something over \$500 per month from the depleted Hawaiian Treasury.

If the free delivery of mail should not work owing to the small salaries paid there is still a way out. The Government might establish sub-stations throughout the city to which mail, previously assorted on the steamer, could be sent for lock-box delivery and where stamps and registry could be procured. In that way the public would be well-served and the Government would get big money from lock-boxes.

The pilot of the Hancock seems to have run the ship ashore with his eyes open. He was warned by the captain of his proximity to danger but took small heed. There is no great trouble in the straits between Shimoda and Moji should steering a straight course, that being a regular thing for trans-Pacific steamers and the ships of the coastwise Japanese lines. The Hancock's pilot seems to have been a man whose nerves were so far gone that he could not take ordinary responsibility. He fainted twice after the ship struck.

The Admiral was probably right in keeping the Wisconsin outside the harbor. Within a few weeks a transport rested on mud at the Naval wharf and the battleship might have got stuck. Nor is the channel wide enough to suit a vessel of the Wisconsin's class. While the presence of the ship would be agreeable to our people they would not wish to have her take risks. If Congress does its duty and looks after Honolulu in the River and Harbor bill, the time cannot be long before any vessel will be able to come and go here as she pleases.

Civil appointments for Hawaii Federal in their character, ought to be made from the ranks of residents. President Roosevelt is the last man on earth to encourage carpet-bagging and that is what outside appointments usually suggest. There will be no "colonial" scandals if the President, seeking advice from the most responsible men in his party gives the Federal offices to those who have the confidence of the people among whom they do business. The broken-down political hack dumped into a Territory to get rid of him usually manages to bring as much discredit upon the appointing power as he does upon himself.

The Republican Territorial Committee should cultivate the spirit of modesty in its dealings with Washington. Some time ago it recommended George A. Davis for Judge and Walter C. Weedon for Internal Revenue Collector and nobody at Washington so far as we are aware paid the slightest attention to it. The disposition to ignore the committee was perhaps increased by the fact that it was headed by one Emil Ney, a defunct from California, who, when not in the hands of the police is spending anti-Republican resolutions at a Home Rule meeting. Should the committee permit itself to be manipulated by a negro former partisan of Grover Cleveland its chances of ever getting any voice in the settlement of Hawaiian Affairs at Washington would hardly be worth a moment's thought.

## PUNISHMENT FOR CONTEMPT.

There has been much discussion lately in the press and magazines of America over the power of courts and judges to impose punishment for so-called contempt. Chicago has been stirred in the past few weeks by the sending to jail of the managing editor of Hearst's Chicago American and a reporter on that paper for reflections upon the honesty of a judge in the Windy City. The consensus of opinion as gathered in print is that the power to punish for contempt should be restricted. The Sacramento Bee, in an editorial a few days ago takes this view, and says that this punishing power is now too great. The Bee says:

While it is proper and necessary that some exercise of this immemorial judicial right should be permitted, no man should be allowed unbounded arbitrary power, to serve as judge and jury in his own case.

Recently a Chicago judge sentenced to imprisonment for terms of thirty and forty days respectively the reporter who published in the Chicago American an article containing gross reflections upon that same judge, because of a declaration rendered by him in favor of a local gas company.

In the hearing before the court counsel for the newspaper admitted that the attack was brutal, but argued that the judge's remedy was by proceedings for criminal libel, as in the case of private persons aggrieved by such a publication. It was argued that if any court which may feel or fancy itself aggrieved shall act as the sole and final arbiter in its own case, great wrong and injustice may often be done.

With the merits of the Chicago case we have nothing to do. It may be that the attack upon the integrity or independence of the judge was wholly unwarranted, in which event the paper, or those of its staff who may be personally responsible, certainly deserve punishment. But it should be plain to any reasonable person that this power to punish for contempt is a dangerous weapon in the hands of a corrupt judge. And we all know there are such judges. Now if a rascally judge sells a decision in a case in which the public interests are at stake, thereby disgracing his high calling and inflicting a shameful wrong upon the public, he should have the power to punish reporters and editors who write the truth about him? NO. Is it to the interest of the judiciary, as a body, or of the people, that a judge should be enabled to escape press criticism for an infamous betrayal of his high duties?

So long as every judge, from the highest to the lowest, shall have the arbitrary right to throw into jail any writer or publisher who may venture to accuse him of wrong-doing on the bench, whether the accusation be truthful or untrue, the rights of the people and of litigants cannot be properly guarded. Here and there may be found an editor or a publisher willing to go to jail for a month or a year, from a sense of duty to the public, but such examples of moral heroism are rare. So it often happens that a scoundrel upon the bench gives decisions that are notoriously corrupt, escapes censure from the press, and repeatedly trails the judicial ermine in the mire.

Is a court or a judge ever vindicated before the people by the exercise of its arbitrary power to punish for contempt? No. In the great majority of instances the judge wreaks vengeance, and that is all. He cannot, in the nature of the case, be impartial and just, unless he be an exceptional man. And if he be a rogue, smarting from the exposure of his rascality, he is certain to again violate justice by inflicting heavy punishment for the "contempt" which he richly deserves. He is no more vindicated than he would be were he to assault and beat his accuser. Is the burglar vindicated when he shoots the policeman?

We doubt if ever an honest judge was hurt in public estimation by an untruthful or unfair criticism of a decision. In the Chicago case it is probable that the newspaper was more injured in the eyes of the people than the judge who was criticized, provided the latter's reputation was previously good. The public are quick to sympathize with a judge, from the peculiar nature of his position and responsibilities.

Readers will understand that in any contempt proceeding the person cited to appear is simply called upon to show cause to the court why he should not be punished. And this showing relates merely to identification and personal responsibility. The truth of the matter complained of cannot be shown by this accused, even in mitigation of punishment. Unless the accused person can prove that he is in no wise responsible for the writing or publication that gives offense to the court—perhaps from its very truthfulness—he is at the mercy of the court, and may be by him sent to jail for months.

In a trial for criminal libel, on the other hand, the truth may be presented to the jury. In California and other states, though the maxim of the old common law was that "the greater the truth the greater the libel." And in this state the law is that if the jury find the matter charged as libelous is true, and was published with good motives and for justifiable ends, the accused shall be acquitted. Furthermore, the jury have the right to determine both the law and the fact.

What a contrast between this fair and just law and the irresponsible arbitrary power exercised by a judge in contempt proceedings, where he is both judge and jury from whose decision there is no appeal. If all judges were fair and honest, the power to punish for contempt might safely be left as it is. It is no more than the due of certain high-minded jurists to say that in contempt proceedings involving personal offense to themselves they would be lenient to the offender, for fear of being biased by personal feeling. But there are judges who though honest are vindictive and grossly unfair, and there are judges who are neither honest nor fair. In their hands the power to punish for contempt is comparable to a club in the hands of a robber, it adds to their capability of mischief. Because of such judges there is need of reform in regard to contempt proceedings. The best remedy for the existing abuse may be to confine judges in the case of assertions of a personal character cast upon them in public print, to the ordinary remedies of civil and criminal libel proceedings. But if it be thought necessary to retain some measure of summary punishment for alleged contempt in such cases let the law provide that the hearing shall be before a certain number of judges, and that the accused person shall have the right as upon a trial for criminal libel to present and prove the truth. It does not seem that an honest judge is one who is higher or more deserving of protection from the law than an honest editor or that the courts in a free country should be ranked above the press.

It seems that Paul's hands are dirty as well as his cars.

## THE WAY TO HARMONY.

It does not matter so much now how the trouble began in the Republican party of Hawaii. The facts are well-understood at Washington and better-understood than they were by the Eastern press and because of this the supporters of the Republican Territorial administration, comprising the majority of the white voters and eighty per cent of the business interests, have no cause to reopen past history. A more pressing question is how the difficulties may be composed.

The easiest way is for the anti-Dole Republican faction to cease its attacks upon the Republican Territorial administration and support it with loyalty and courage against the old monarchist party which seeks to revenge itself upon the men who brought Hawaii into the Union and to plunder the taxpayers in the bargain. If that were done the Republican party would present an unbroken front and the cause of good government would be sustained.

To suggest the retirement of the Dole party would be to recommend a course of bad citizenship—an acquiescence in a scheme of plunder of which that party, individually speaking, would suffer only less than the country as a whole. Mr. Dole stood for annexation from 1893 to 1898 and he stands for clean government, economically administered, now. No scandals attach to his name nor to that of his party; in fact both in union are the buttresses that keep scandal out. It is clear that if they should retire, the old monarchists—probably the most ignorant and corrupt electoral body vested with the American franchise—would pretty well control island politics. Of the minority Republican element not a man would get a show which they could deprive him of. The Hawaiian politicians use white men who offer their services, but rarely reward them. They laud carpet-baggers even, laud them to the skies, until they are something to divide, and then the haole is ignored. If there were an overturn tomorrow the Wilcox party, swearing itself in as Republican, for the sake of spoils, would draw the color line as plainly as it did at last year's polling. Look at the way the Home Rulers treated J. O. Carter who has fetched and carried for them so long that he has forgotten that he is a Caucasian. See how they turned down Messrs. Damon and Macfarlane. But two men of white extraction, one of these married to an Hawaiian, were chosen to the Legislature on the Home Rule ticket and both of these are disgusted with the treatment they got. So what would it profit the anti-Dole minority if the Dole majority should lay down its arms and give the President to understand that Wilcox is Hawaii? It would not be two months before these men would be howling for a white man's party and begging the Dole men to come into it with their numbers and their cash.

There can be no party peace while alleged Republicans in and out of office do Home Rule politics and attack the appointees of the President in Territorial office. Nor, for that matter, can there be any gain to those who engage in the assault. The vital truth about American politics here and elsewhere is that men whose prejudices lead them to attack conservative business interests get left. Such interests in Hawaii as in the nation at large are paramount and so long as they call for recognition a Republican President will grant it. Only when they surrender or cease to make their political wants known will chaos come.

## MAKING TROUBLE.

With the bugaboo of Hawaiian defection, the leader of the Fifth district politics in the Republican Central Committee tries to frighten the members of the Territorial body into putting unwarranted and wholly unparliamentary veto upon the freedom of choice of members of the executive committee. To dictate to a member of a committee to whom he may give a proxy, is to rob him of his rights, yet it was by this plan that Stewart hoped to remain in his old position, dividing power with the entire committee.

It is unprecedented that an executive committee should have to be composed so as to maintain balance between two districts. This organization is formed for work, the superior body is the balance wheel. Yet during the two meetings which have been held this week the string of the harp of the orator of the Fifth district, has sung only the tune of balance of power in committee. It was properly said by Gilman that there was no trouble but that which Stewart was making.

Republicanism is something more than a fetish. It is a creed to those who have followed its banner long. Some there are whose loyalty is measured by opportunity, to whom mugwumpery is better than fealty to party, whose one idea is to be on the winning side no matter what is the principle involved. Some men with this habit of mind bolted Republicanism in 1892 for Clevelandism. Others took up independent municipal politics and justified their actions because they were in respectable company. Such men are dangerous to party organization. They must rule or they will try to ruin. If Republicanism can offer nothing but office or party scheming, then its principles are not correctly understood and a new start must be made.

## THE TRAMWAYS' DECISION.

For the third time the Tramways company has applied to a court to help it deprive Honolulu of an up-to-date electric railway system and to fasten its dilapidated cars and skinny mules upon the community. And for the third time it has ignominiously failed. The Territorial Supreme Court, the Territorial Circuit Court, and finally the United States Federal Court has each been appealed to in turn, in a vain attempt to prevent the Rapid Transit company from installing its splendid system.

Yesterday Judge Estee not only dismissed the Tramways bill for an injunction with costs but administered a scathing rebuke to the manager for his contradictory affidavit and bad taste in seeking to evade a decision of the Supreme Court after a voluntary submission under oath had been made by both companies and a decision rendered adverse to the Tramway company. After

a lapse of over six months, without appeal or protest, Mr. Pain had the impudence to come into court and plead the baby act, by alleging that although he was present in the Supreme Court, when the argument took place, and was then, as now, the sole manager and representative of his company in Hawaii, with full power to employ and discharge counsel, and to control litigation, "the company" was not present; and then on the next breath, he claimed that he had the right to bring the same company into court in the current proceeding, although his authority is the same now that it was when he appeared before the Supreme Court. Judge Estee well characterized Mr. Pain and his company as attempting to enter a court of equity "with unclean hands."

## ANOTHER WASTE BASKET PETITION.

The Home Rulers are amusing themselves by getting up petitions asking for the removal of the Governor. As the residuary legatees of the old Royalist faction they cannot forgive him for bringing the islands under the American flag, hence these memorials, petitions, private letters and the like which periodically overrun the waste-baskets of the Interior Department or supply kindling for the President's grate fire. The plan this time is to have a few names to the sheet and have so many sheets that the President will be amazed at the bulk of the petition and the newspapers will tell about its magnitude. Incidentally, by this method, a great many names can be safely repeated, or merely copied from census lists and the mortuary statistics of Hawaii's aboriginal inhabitants. Of all the humbugs which come out of Hawaii, petitions against the local Government are the most transparent. They represent few people of any consequence and stand for nothing but sore heads and excited appetites; and their fate is determined by the public janitor. What a farce it all is.

## DAVIS SEES ROOSEVELT.

Davis at the White House—Is the President in?  
Doorkeeper—He is, sir.  
Davis—Produce him!  
Doorkeeper—May I ask who you are, sir?  
Davis—Who I am! Blankety blank your wall-eyed intellect, go and read the history of your country!  
Doorkeeper—I haven't time. Are you a brother of the late Mr. Czołgosz?  
Davis—Suffering eagle, hear that! Why you carrion-eating funkies I am Davis of Hawaii! Let that sink into your system, you mangy buzzard. Produce the President, I say! Trot him out p d q. Hold! On second thoughts I'll go to him.

Davis enters President's room, scaring the policeman at the door.  
Davis—Hello, Teddy! I'm Davis!  
President—Where's that doorkeeper?  
Davis—Don't doorkeeper me! I'm a free and independent American that got to Hawaii as soon as the Constitution did if not a little before. Yes, sir! You see in me a man who, when the bird of freedom in Hawaii ruffled her plumes in a nest of bayonets and called upon a marble-hearted oligarchy to get out, rose to the occasion sir—you bet your life, sir—rose to the occasion, I say—went to the Bastille sir, yes sir; and with one blow of an upraised fist—President—Police! Help!  
Davis—If a policeman ever lays his hand on me again save in the act of kindness I'll twist his liver out with my pinkie. I wish to say sir, that I am here to—

But the President had lightly skipped out of the window and slid down the ram pipe to the ground. At last accounts he was calling out the troops.

Things are looking badly for professional politicians at Washington. According to a World special the President has turned down three National Committeemen who wanted patronage. Addicks of Delaware named a man for collector at Wilmington but the nominee of an Anti-Addicks Congressman got the prize. Hawley of Texas and Yerkes of Kentucky were likewise turned down. The World might also have mentioned the non-resident member from Hawaii, whose influence at the capital is less now than it was when he was a Democrat. Apropos of all this is an interesting special to the New York Evening Post which we quote as follows: "Clinton Rogers Woodruff of Philadelphia was among the President's visitors this morning. Mr. Woodruff is Chairman of the Dependencies Committee of the National Civil Service Reform League. To him the President made the emphatic statement, with the expressed hope that it might be spread everywhere, that in three branches of the public service he should exclude political influence of every sort, direct or indirect. These are the army, the navy, and the colonies. In domestic offices having any political character, fitness being first reasonably assured, and other things being equal, political considerations would be allowed a legitimate weight but in the three branches mentioned he declared there should not be one iota of a concession to politics while he remained President, for the intrusion of such an element would be nothing short of a taint."

An embarrassing financial stringency was relieved in the United States market by the arrival upon the latest steamer of a warrant for about \$5,000, which had been requisitioned by Marshal Hendry. There is still in the bank about \$5,000 of United States funds deposited by the late Marshal Ray, but owing to the fact that it had been placed to his credit, it could not be withdrawn by anyone else. With the funds recently received the marshal has relieved the temporary embarrassment, and jurors, witnesses and other court expenses which had been accumulating for several months have been paid.

Bewall's chances of ever getting an Hawaiian office under Roosevelt are about half what they were in 1898 under McKinley. The present executive has little use for a man who does politics in the Bewall style. And what is more, Bewall knows it.

## Get the Most Out of Your Food

You don't and can't if your stomach is weak. A weak stomach does not digest all that is ordinarily taken into it. It gets tired easily, and what it fails to digest is wasted.

Among the signs of a weak stomach are uneasiness after eating, fits of nervous headache, and disagreeable belching.

"I have taken Hood's Sarsaparilla at different times for stomach troubles, and a run down condition of the system, and have been greatly benefited by its use. I would not be without it in my family. I am troubled with weak stomach and nausea and find Hood's Sarsaparilla invaluable." E. B. HICKMAN, W. Chester, Pa.

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Total reichsmarks ..... 105,650,000

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Capital of the Company and reserve, reichsmarks ..... 2,330,000  
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The undersigned, general agents of the above two companies, for the Hawaiian Islands, are prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, etc., also Sugar and Rice Mills, and Vessels in the harbor, against loss or damage by fire on the most favorable terms.

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ELGINS reach us right.

Elgins stand for what is right in time-keeping and lasting qualities, and this is why we are right in pushing The Elgin Watch.

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BOX 342.

Wilder's Steamship Company.

NOTICE TO SHIPPERS SHIPPERS ARE NOTIFIED THAT a new freight schedule will go into effect on and after December 1, 1901. Information in regard to changes in rates can be obtained at the office of the company, corner Fort and Queen streets, Honolulu. C. L. WIGHT, President.

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The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO., Agents.

## German Lloyd Marine Insurance Co. OF BERLIN.

## Fortuna General Insurance Co. OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms. F. A. SCHAEFER & CO., General Agents.

## General Insurance Co. for Sea, River and Land Transport of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms. F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

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We can suit everybody

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**SODA WATER WORKS CO.,**

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**COMPANY.**

NOTICE TO SHIPPERS.

SHIPERS ARE NOTIFIED THAT a new freight schedule will go into effect on and after December 1, 1901.

Information in regard to changes in rates can be obtained at the office of the company, corner Fort and Queen streets, Honolulu.

C. L. WIGHT,

President

## INSURANCE

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(Limited.)

AGENTS FOR FIRE, LIFE AND MARINE INSURANCE.

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OF LIVERPOOL, FOR MARINE. Capital .... £1,000,000

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AGENTS

# DUNN-MACFARLANE NUPTIALS CELEBRATED WITH CEREMONY

Notable Gathering  
of Honolulu  
Society.



IN THE presence of fashionable Honolulu Miss Mary Lowrie Dunn became Mrs. Henry Richard Macfarlane Jr. last evening, the ceremony being one of the prettiest in appointments and the most perfect in detail which has marked the season. The residence of the father of the groom, on Punahou street, was filled to overflowing with the guests, and was in its decorations for the event a tropical picture.

Under a bell made from white carnations, in an altar space limited by white tulle and ribbon railings, surrounded by palm leaves and colored grasses, the ceremony which united the young couple was performed, the officiating clergyman, the Rev. Alexander Mackintosh, making it as impressive as the ritual of the church has provided, and giving to the solemn words a fullness of meaning which found echo in the faint but firm tones in which the vows were exchanged. About the young couple were grouped the immediate friends of each, and back until the bounds of the great parlors were reached, stood relatives and well-wishers, young and old.

The fine old mansion, which has been the scene of so many great gatherings in the past, was decorated appropriately and in excellent taste, the colors being bridal white and a pale pink, the latter being the shade which was dominant in the decorations of the rooms other than that in which the ceremony took place. In the hallway the tropical touch was added, and the greatest of palms, shaded leaves and brighter colored branches of trees and shrubs shaded the entrance, through which the guests found their way to the parlors. Pink tulle was wound about the chandeliers and over the windows of the front rooms, but in the rear parlor, in which an altar had been erected for the occasion, the decorative scheme found its culmination. White tulle and ribbons were twined everywhere. There was a frame of the shade about the window recesses and the doorways. Intertwined with maiden-hair ferns the same shade was dominant in the centerpiece, and the materials combined to make the railing which divided the celebrant and wedding party from the auditors.

The effect of the brilliantly lighted and picturequely adorned apartments, filled with beautiful women in bright gowns, that of a fairyland, and there was not a jarring note from the white-robed priest to the fringe of

black coats and white fronts of unattached men which gathered about the circle of eager onlookers. There was nothing lacking from the soft, incandescent within the bell of white carnations to the pages whose duty as train-bearers and their important personages for the nonce. The air was full of the fragrance of flowers, and was kept vibrant with the strains of music which the band stationed upon the lawn furnished during the entire evening.

It was after the hour set when the strains from without changed into the cadences of the wedding march, and the guests who filled the halls were parted as the ushers with white ribbons, cleared an avenue for the passage of the bridal procession. Mr. Walter Dillingham and Mr. Robert Atkinson first, and Mr. Tarn McGrew and Mr. Southard Hoffman last, opened the way, and immediately the party entered the rooms. Miss Lady Macfarlane led the way, followed by Miss Irmgard Macfarlane and Miss Helen Macfarlane, the maid of honor, Miss Mary Colburn, immediately preceding the bride, who came in on the arm of her brother, Mr. Henry C. Dutton.

The officiating clergyman had already taken his place within the more delimited space enclosed in white, and had been joined there by the groom, who was escorted by his best man, Mr. Mana Widemann. The ceremony was there performed, after which the entire wedding party signed the register. An hour was then spent in a reception, the young people meeting all their old friends, the family taking part in the reception at the same time. Every one present renewed their congratulations to the groom and their expressions of pleasure to the bride, and at the same time there were held in various parts of the house, gatherings of knots of people who moved acquaintance with Mr. and Mrs. Dutton, and other visitors who had come to the city for the purpose of being present at the ceremony.

The supper was served in a marquee mauka of the house where at small tables the 250 guests of the evening were seated. In the center of the tent was the table for the bridal party, about which was gathered not only the immediate members of the group but several other friends of the young couple. Upon this table were placed the two great brides cakes marvels of the confectioners art. There was a merry

time at the supper and the guests enjoyed to the full every moment of the evening.

The wedding dress of the bride was a most elaborate creation in point lace, of a renaissance pattern. The bodice was made of the lace with a low neck filled in with tucked mousseline de sole. To the left side of the bodice was a garniture of frilled ribbon with lace, while the entire corsage was sprinkled with sprays of orange flowers. The yoke was applied with lace about the neck, and gathered into a lace stock which was finished with a fall of chiffon at the back. The skirt was of tulle with an overskirt of lace, while about the edge of the long train there were a half dozen flounces of chiffon edged with narrow rouchings of mousseline de sole ribbons. A long rope like sash hung in two with two lace applique ends over the train. The long tulle veil was attached to the coiffure with a spray of orange blossoms.

The costume was in every way a most becoming one and the bride, who is one of the prettiest girls of her set in San Francisco, looked as if she had stepped out of an old painting. She carried a bouquet of orchids of delicate shadings, with trailing ribbon end ties.

The maid of honor, Miss Colburn, wore pink of a delicate shade the gown made low in the neck and finished with ruchings, the skirt being tucked at the seams. She carried a bunch of carnations and sweet peas. The bridesmaids wore blue, the costume of Miss Lady Macfarlane being of chiffon and those of Miss Irmgard Macfarlane and Miss Helen Macfarlane being of pina cloth, satin striped, and trimmed with ribbons. The pages Master Macfarlane and the Masters Dowsett, in black short clothes were ever present.

The wedding gifts were many and rich and were displayed under protection. There were rare pieces of cut glass, exquisitely moulded silverware, Venetian glass and china of egg shell thinness, everything in fact which art and thoughtfulness could devise for the pleasure of the young people. The honeymoon will be spent in part at Ahumahu and the young people will return to San Francisco after a short stay here.

## NEW SURGEON FOR QUARANTINE WORK

Dr. Dunlop Moore the new boarding officer of the local quarantine service, took up his duties yesterday morning with the examination of the passengers of the Pacific Mail steamer Peru. This marked the change in the local office which has been under consideration for several months. The retiring assistant to Dr. Cofer, the chief surgeon here, Dr. Bahrenburg, is under orders to proceed to San Francisco, and although his ultimate destination is unknown, it is the belief that he will be sent to either Chicago or Philadelphia, the former city being the one most likely to be chosen. While local officials do not agree in general there is a belief that this step is the last in the incident of the American Maru attack, which occurred last summer. The members of the local colony who took up the fight against discrimination as to first class passengers of the trans-Pacific ships, early admitted that they had acted in calling for the removal of Dr. Cofer, as they ascertained that the best of the office did not intend to the boarding of the ships which came into the harbor. The affair caused the greatest excitement here and in Japan, which at once took up the case and had been pressing the matter on the United States government.

Dr. Cofer says that he cannot see any connection between the matter, owing to the fact that the transfer came in the ordinary way and that the Department has not in any way indicated its displeasure over the American Maru case as it became known in Japan. Dr. Bahrenburg will leave for his new station at once.

## WILL RUSH THE RAT FIGHT WORK

As soon as the Alameda pulls out this afternoon the putting upon the Oceanic wharf of the lumber which is to be used in the making of that structure rat proof will begin and the actual labor of putting it in place will start Thursday morning. The woodwork will be complete with the end of the week, so that the fun gion may go on next week. The Department of Public Works will furnish a crew upon which the machinery of the United States Quarantine Service will be placed for the campaign. This crew now has on it a locomotive boiler under a shed which will protect as well the engine and fans of the quarantine service. The machines will be installed during the remainder of the week so that with next Monday there will be nothing in the way of rapid progress with the pumping of sulphur fumes into the spaces beneath the various docks.

In the opinion of the Assistant Superintendent of Public Works there will be a complete trial of the plan of fumigation before the Sierra comes into port. The fumes will be pumped into the spaces beneath the wharf floor and all will remain until the rats must be dead. If successful the work will be pushed in other wharves.

Stanford and California each received \$7,914 as their share of the profits of the big football game. The expenses were \$4,282.62.

## KALIHI LINE TRACK IS LAID

The last rail of the extension of the Rapid Transit Company's line to Kalihi has been laid and all that remains before the commencement of the through service to the Fertilizer works, is the surfacing of the road bed and the completion of the electric connections. This will be done at once and the through service will be inaugurated the first of next week.

The connection of two switches only remains to be finished to permit the ten minute service upon the road which is already in use to the Kamehameha schools. This will be done today and the service started on Thursday morning. Every car on the Kalihi line will connect with every one going through the city proper. The cars will be run only so far as the road is entirely complete at the present time and the extensions of the service will be made only as the road is prepared for final acceptance along the line of the line.

The contract for the construction of the Alexander and McCully street extension of the road will be completed and signed by the end of the week and the tools and men from the Kalihi end will be sent to Punahou as fast as they complete the section upon which they are employed. This will mean that the work there will be rushed ahead as fast as has been that on the lower end of the road and the cars may be running upon the entire length of the line before the first of the year.

# THE ORDER IS MADE Progress Block May Yet Be Sold.

(From Thursday's daily.)

Just prior to his departure on the Alameda, Judge Gear made a decision in the case of the Kaplani Estate vs. Charles Desky, giving judgment for the plaintiff in the sum of \$55,000, and the order carries with it the sale of the Progress block if the judgment is not satisfied. The order was made by Judge Gear on the steamer, and in the hurry of the moment the title of the order read Orpheum Company, Ltd., vs. Charles Desky, but which was afterwards corrected by Judge Humphreys. The decision filed by Judge Gear says:

"Upon the facts proven in this case, I find that the amount of principal, \$55,000, with interest thereon, is now due and unpaid, and that plaintiff is entitled to a decree of foreclosure for said sum of \$55,000, with interest thereat seven per cent per annum from the date of the mortgage, together with the sum of \$350, to be added to principal for premium paid by the plaintiff for insurance, together with a fee of \$150 gold coin of the United States, which is hereby allowed to plaintiff as and for a counsel fee, together with costs of court. Let judgment be entered accordingly, and in case of sale of said mortgaged premises be necessary in order to collect said sums, all costs of foreclosure to be added to the judgment. Let a decree be entered accordingly.

GEAR, Judge.

CARTER DID NOT APPEAR.

When the case of Wm. Kolo Rathburn was called in Circuit Court yesterday morning, A. B. Carter, the principal witness for the prosecution, was not present. Rathburn was indicted on a charge of perjury, alleged to have been committed before the grand jury during the hearing of the case against Carter for shooting him.

Deputy Attorney General Cathcart stated that the subpoena had not been served, before Tuesday, because Dr. Carter agreed to come upon notification by telephone. He asked a continuance until Monday, but Mr. Robertson, appearing for defendant, objected, on the ground that there had already been several continuances. He said that he understood that Carter had declined to come.

Judge Humphreys granted the motion for a continuance, but stated that he could not consider the service of a court order by telephone the correct method for giving legal notice. "This Court has repeatedly held," he said, "that telephones may not be used for such a purpose. It is not adapted to the transmission of court processes or orders, and as the telephone and other electrical appliances are at present conducted in these islands, it cannot be said to be successful for that purpose. This Court will not conduct business by telephone. This is a distance of thirty miles, and the telephone may have been out of order, or the man away, or possibly he may have misunderstood the order, even if there. The return on this subpoena shows that it was not served until yesterday evening, and it would have been impossible for him to have come into court at that time from his home."

Robertson's application for the allowance of expenses to the witnesses for the defendant was also denied, the Court holding that he was not authorized under the statute to make such an order, even though it worked a great hardship on the poor witnesses. The case was set for Monday, and an attachment issued for Dr. Carter.

HELD FOR ASSAULT.

The hearing of the complaint made by Mrs. Kamakee against Harry Juen, William Savidge and J. H. Schnack was held during the noon recess by the Court. This is the same case dismissed a few days ago by Judge Wagon, growing out of the forcible ejection of the complaining witness by the three defendants. The Circuit Court, after hearing the evidence for the prosecution, ordered the three men committed upon a charge of assault and battery, fixing the cash bond at one hundred dollars in each instance. The hearing was set for next Wednesday.

ARRAIAL WANTS A DIVORCE.

J. J. Arraial has filed in the Circuit Court a divorce suit against Guilhermina J. Arraial, alleging desertion as a ground for his action. The libellant sets forth in his petition that he was married to libellee on June 10, 1893, and that there is now a son six years now in the custody of the wife. The libellant alleges:

"That the libellee, shortly after her marriage to libellant, commenced to desert his bed and board and to lead a reprehensible life, until finally on or about October, 1896, she wilfully and utterly deserted libellant. That said libellant procured the legal means to compel libellee's return to him, but that she refuses so to do; and that since said desertion libellant is informed that libellee has been living a dissolute life and keeping the company of disreputable women."

"That libellant believes libellee is an unfit person to have the control management and education of said child, and has no means of supporting the same. That libellant is a steady worker, and intends to provide for said child. That libellant has at all times been and still is a dutiful husband and kind father."

COUGHS AND COLDS IN CHILDREN.

Recommendation of a Well Known Chicago Physician.

I use and prescribe Chamberlain's Cough Remedy for almost all obstinate, contracted coughs, with direct results. I prescribe it to children of all ages. Am glad to recommend it to all in need and seeking relief from colds and coughs and bronchial affections. It is non-narcotic and safe in the hands of the most unprofessional universal panacea for all mankind—Mrs. Mary R. Melendy, M.D., Ph.D., Chicago, Ill.

At the meeting of Executive Lodge No. 1, I. O. O. F. held last evening at its hall on Fort street the following were chosen to serve for the ensuing term: A. W. Clark, noble grand; L. Petrie, vice grand; L. L. Lapierre, secretary; W. C. Parke, treasurer. The fifty-fifth anniversary of the founding of the lodge will be celebrated on Tuesday evening next, by the carrying out of a program which will include literary and musical numbers. Invitations have been sent to members of other lodges and the Rebekkah organizations, as well as all visiting members of the order in the city.

## BY AUTHORITY.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT, HAWAIIAN ISLANDS.

Frank Louis vs. Maria Gloria Costina—The Republic of Hawaii: To the Marshal of the Hawaiian Islands, or his Deputy, Greeting.

You are commanded to summon Maria Gloria Costina, defendant, in case she shall file written answer hereto, to be and appear before the said Circuit Court at the September term thereof, to be held at Lihue, Island of Kauai, on Wednesday, the 5th day of September next, at 10 o'clock a. m., to show cause why the claim of Frank Louis, plaintiff, should not be awarded to him pursuant to the tenor of his annexed libel for divorce. And have you then there this writ with full return of your proceedings thereon.

Witness, Hon. J. Hardy, Judge of the Circuit Court of the Fifth Circuit, at Lihue, Kauai, this 17th day of May, 1900.

Signed: HARRY D. WISEHARD, Clerk.

I hereby certify the foregoing to be a true and exact copy of the original summons in said case, and that said court order of publication of the same and a continuance of the said cause until the next March, 1902, term of this court.

Dated Lihue, Kauai, November 6, 1901. HARRY D. WISEHARD, Clerk.

2332—Nov. 15, 22, 29; Dec. 6, 13, 20.

## ELECTION OF OFFICERS.

AT THE ANNUAL MEETING OF the Union Mill Company, held at the company's office in Kohala, November 21, 1901, at 3 p. m., the following officers were elected, to serve for the ensuing year:

President, Mr. James Renton.  
Vice President, Mr. H. H. Renton.  
Treasurer, Mr. F. M. Swanzy.  
Secretary, Mr. H. H. Renton.  
Auditor, Mr. T. R. Keyworth.  
H. H. RENTON, Secretary.

2337—Nov. 29; Dec. 6, 13.

## Mortgagee's Notice of Foreclosure and of Sale.

IN ACCORDANCE WITH THE provisions of those certain mortgages made by John M. Lemos to W. R. Castle, trustee, dated the 16th day of December, A. D. 1897, and the 16th day of June, A. D. 1898, recorded in the Registrar of Conveyances in Liber 174, pages 150 and 151, and in Liber 180, pages 102 and 103, respectively, and the same assigned to M. G. Silva by said W. R. Castle, trustee, by deed of assignment dated the 3d day of October, A. D. 1901, and recorded in Registrar of Conveyances in Liber 174, page 150, and Liber 180, page 102.

And in accordance with the provisions of that certain mortgage made by the said John M. Lemos to M. G. Silva, dated the 18th day of June, A. D. 1901, recorded in the Registrar of Conveyances in Liber 226, pages 126, 127 and 128.

Notice is hereby given that the mortgagee intends to foreclose the same for conditions broken, to wit:

NON-PAYMENT OF PRINCIPAL.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property conveyed by said mortgagee will be sold at public auction, at the auction rooms of James F. Morgan, in Honolulu, on the 7th day of December, A. D. 1901, at 12 o'clock noon, of said day.

Further particulars can be had of A. G. Correa, attorney at law.

Dated Honolulu, November 12, 1901.

THE PREMISES COVERED BY SAID MORTGAGES, CONSIST OF:

1 All of that certain indenture of lease of premises at Kukuluae, Honolulu, Oahu, made from William Ringer to the said John M. Lemos, for twelve years from the 8th day of March, A. D. 1897, and recorded in the Registrar of Conveyances in Liber 175, page 146, together with all the buildings and improvements erected thereon.

2 The right, title and interest of said John M. Lemos in and to that certain agreement made on the 3d day of October, A. D. 1900, by and between Ignacio M. Pavao and said John M. Lemos, whereby said Ignacio M. Pavao agrees to sell to said John M. Lemos that certain leasehold interest granted by the trustees under the will of Henry F. Bishop to William Ringer, by lease dated the 25th day of January, A. D. 1895, and also all the buildings and improvements, houses and outhouses on said premises situate.

2333—Nov. 15, 22, 29, Dec. 6

## Olan Assessments.

THE 17TH AND 18TH ASSESSMENTS, of 50c each, are now bearing interest at the rate of 1 per cent per month.

THE 19TH ASSESSMENT of 2½ of 50c per share, has been called, to be due and payable November 20th.

Interest will be charged on assessments unpaid ten (10) days after the same are due at the rate of 1 per cent per month from the date on which such assessments are due.

The above assessments will be payable at the office of the B. F. Dillingham Company, Limited, Stangenwald Building. ELMER E. PAXTON, Treasurer Olan Sugar Company, Ltd., Honolulu, T. H., July 20, 1901. 2331

## ELECTION OF OFFICERS.

NOTICE IS HEREBY GIVEN THAT at the annual meeting of the Haleakala Ranch Company, held on the 21st instant, the following officers were elected to serve for the ensuing year, viz:

H. P. Baldwin, Esq., President  
L. A. Thurston, Esq., Vice Pres't  
Geo. H. Robertson, Esq., Treasurer  
E. F. Bishop, Secretary  
W. O. Taylor, Auditor  
E. F. BISHOP, Secretary

Dated Honolulu, November 22, 1901. 2336

day evening next, by the carrying out of a program which will include literary and musical numbers. Invitations have been sent to members of other lodges and the Rebekkah organizations, as well as all visiting members of the order in the city.

The receipts from Saturday's fair at the Drillhall amounted to over \$2,000.



## PRICE IS SOARING

### The Pearl Harbor Suit Still on Trial.

(From Wednesday's daily.)

Yesterday's witnesses for the government in the Pearl Harbor case were inclined to give the Bishop Estate the benefit in their valuations of the land examined by them. During the day but three witnesses were on the stand, Captain Merry, Allan Herbert and W. G. Ashley.

Captain J. F. Merry testified simply to the exchange of letters between the Bishop Estate and himself when, two years ago, he secured an option on the land at the request of the Navy Department. At that time the trustees gave him an option upon the desired land at fifty dollars an acre, for one year, and the letters in proof of this were introduced as evidence.

W. G. Ashley of the real estate firm of Ashley & Paris was the next witness. He was formerly secretary of the Oahu Railway & Land Co., at the time the railroad was constructed through the Bishop Estate land, and examined the land at that time. He was of the opinion that fifty dollars an acre would be a fair market price for the six hundred acres taken as a whole.

On cross-examination by Mr. Kinney the latter drew out some favorable admissions relative to the value of the water front cut up into beach lots. The witness stated that land in Pearl City was worth about \$2,500 per acre lot. The two mile frontage he thought might be worth \$100 an acre, and if cut up into town lots with improvements, such as water, railroad facilities, grading, etc., eighty lots with frontage on the sea would be worth about \$200,000. Without improvements witness did not believe they would be worth over \$3,000.

Witness testified that an acre of sugar land would produce eight and half tons of sugar which would be worth about \$640. The ground rental at three and a half per cent would be about \$22 per annum.

"Do you mean to say that the land will yield eight and half tons of sugar to an acre?" asked the court.

"Yes, sir," answered Mr. Kinney. "Do you want to hear evidence on that point now? We intend to show later that the land in question would yield ten tons per acre."

"And the land has never produced a crop," put in Mr. Dunne.

"All the more reason why it will produce more now," said Mr. Kinney.

Figuring on the basis suggested by Mr. Kinney the witness thought the sugar land would be worth about \$140 to \$200 an acre. About half of the land was sugar land, he thought. The witness would not commit himself as to the relative values for investment purposes of sugar land leases and Territorial lands.

Allan Herbert, the expert who made a special visit to the land at the request of the government, was on the stand for the greater part of the afternoon. He placed a value of twenty-five dollars an acre upon the Kuahua Island tract, and thought the cane land on the mainland was worth about \$100 an acre. Fifty dollars an acre was a fair valuation for the land taken as a whole. He said there was but one well on the land, and the water in it was slightly brackish. The witness declined to place a value upon the lands of Dr. McGrew, the Ewa Plantation or Ford's Island, stating that he was unable to do justice to himself in making such an estimate. He said he had only been to the shore of Ford's Island, and at that time he was so occupied with the ladies and with lunch he paid no attention to the condition of the land there, though he was under the impression that it was rocky.

He thought that the Bishop Estate lands condemned by the government were the poorest in the district, but with proper care and fertilization sugar, corn or grape crops might be raised upon part of it. Mr. Herbert professed ignorance of what amount of sugar could be raised on this land if it was cultivated, and said he preferred not to make estimates on probabilities. He expressed his inability to answer nearly every question put to him by Mr. Kinney until finally that gentleman asked angrily:

"What business have you here swearing away the rights of the Bishop Estate, if you don't know anything about this land? You are here as an expert."

Judge Estee refused to allow the question, and criticised it as not proper to be put to the witness. The court held that Mr. Herbert was not swearing away anyone's rights and such a question was clearly improper. Mr. Kinney contended that the question was proper upon cross-examination, but the court ordered it stricken from the records.

The examination of Mr. Herbert was completed before the evening adjournment.

(From Thursday's daily.)

Three hundred dollars an acre is the valuation placed on the greater part of the Bishop Estate land, condemned by the United States for the Pearl Harbor station, by J. A. Low, the first of the witnesses for the respondent. He qualified this statement by saying that the price given referred only to 237 acres of cane land.

The government rested yesterday morning without putting on any additional testimony, and then followed a day of argument and quibbling over the introduction of certain evidence, until finally the court remonstrated and said that no further delay would be brooked, and the case must proceed more expeditiously.

## GILFILLAN'S ABSENCE CAUSES INQUIRY

WHILE the absence from the islands of Archibald F. Gilfillan, the member of the lower house of the Legislature and prominent man about town, has been extended longer than was expected, among his closest friends there is no definite anxiety felt as to his safety. The firm with which he is employed feels in no wise, that there is any danger of the well-known manager of wharves being long away from his desk, even though he has not been heard from for about sixty days.

Mr. Gilfillan left the city to attend the convocation of the Knights Templar which was held at Louisville, and was there and participated in the exercises which marked the annual gathering. From Louisville he went on to Buffalo to take in the Buffalo Fair. While at the Fair Mr. Gilfillan was in company of several gentlemen who are members of the same order and they had a merry party. There was a question in the mind of the Hawaiian at that time whether or not he would go on to his old home in Scotland.

His friends left him with the understanding that he would meet them in Chicago at the Auditorium two days later. They waited a longer time and as he did not come they proceeded to their homes. The fact that the Hawaiian did not appear is not taken by his friends here to indicate that there has been any plikiia encountered by him. They think that his letters have miscarried and that he is now on his way home. However the fact remains that no definite word from him has been had since his parting with friends in Buffalo.

peditionally.

The plaintiff closed with the admission of certain facts by the respondents as to the exact acreage of the land taken, introducing a map for this purpose. It was conceded that the land outside of Kuahua Island was comprised of 617 acres, while Kuahua Island is admitted to be 39.2 acres in extent. From the area on the mainland is to be subtracted a strip one hundred feet wide, which by agreement is allowed to remain in possession of the Bishop Estate for right of way. It is further admitted that this land is leased to the Dowsett Estate excepting 48.8 acres which still remains with the Bishop Estate. These admissions were accepted with the proviso by the court that in the event of any error the figures could be rectified later.

The plaintiff having closed Mr. Kinney moved that the evidence relating to the tax returns made by the Bishop Estate trustees be stricken from the records, and the jury instructed to disregard such testimony. The motion was based on the fact that the law provided an assessment value of eight times the annual rental, and the evidence of Deputy Assessor Archer was that he knew of this. The court refused to grant the motion.

J. A. Low, manager of the Honolulu Plantation, was then sworn as the first witness for the respondent and was on the stand for the entire day. He said he had been in the sugar business for twelve years and had observed the land in question upon the Bishop Estate nearly every day for some time. For the past three years he said he had been making experiments with the soil on land of similar nature, and also examined this land before it had been leased by the Honolulu Plantation Co. He stated that he had gone over it carefully, digging holes at stated intervals, and in that way ascertaining the depth and character of the soil. This soil had been analyzed and compared with that of the Ewa Plantation and after he had obtained the opinions of various sugar managers he leased it. To the question by Mr. Kinney as to what this land was capable of producing Mr. Dunne objected on the ground that it had never produced anything, and it was common knowledge that sugar lands differ in availability and productiveness. This question of admission was argued for nearly two hours by opposing counsel and the court at the afternoon session allowed the witness to answer.

Mr. Low's reply was that land of this character would raise three crops of sugar in fifty months, and that the land would average from sixty to eighty tons of cane per acre. Witness estimated the value of the sugar land, 337 acres in all, at \$300 per acre. He made no estimate of the value of Kuahua Island and said it was but two feet above the sea level.

The court refused to allow the admission of evidence that Dr. McGrew wanted to sell his land for \$1,000 an acre, or of rental value of land adjoining or near that of the Bishop Estate. The attorneys had been arguing about matters of evidence, and quoting authorities all day and Judge Estee refused to hear argument from Mr. Kinney to the question of rentals. Mr. Kinney then noted an exception adding that the court had overruled the question and refused to hear argument from counsel.

Judge Estee added another ruling to the effect, "The court makes this ruling because counsel have been arguing cases all day, and this ruling is made only with the intention of promoting public business and advancing the trial of this case."

Mr. Low testified next that the price of sugar on the plantation on the sixth day of January when this suit was brought, was seventy-five dollars per ton, but the shipping expenses would have to be deducted from this amount. The court refused to allow any testimony upon the common belief as to the benefits likely to arise to the lands because of the probable construction of the naval station. The request of Mr. Kinney that Captain Pond's evidence on this point be also stricken out, was not passed upon as the court was not certain that the naval officer had testified to that effect. Court adjourned at this point.

## PORTO RICAN BADLY CARVED

Two Porto Ricans figured in a cutting scrape yesterday, which may result fatally. It appears that yesterday afternoon Santiago Frontana and Toma Tohe had a quarrel up Nuuanu valley, during which the former whipped out a razor and carved Tohe's side, inflicting a fearful gash several inches long and penetrating to the ribs. After Santiago had done the cutting he threw the razor away. A man who happened to witness some of the trouble telephoned to the police station and prevented Santiago's escape until the wagon arrived.

Last night it was reported from the Queen's hospital that Toma Tohe was in a critical condition. No definite charge has as yet been preferred against Santiago. This will be done today when the injured man's condition is ascertained. Yesterday P. Machado, M. G. Pedro, J. Machado, Manuel Silva, M. Lellis, alias M. Costa, and J. R. Ramas were arrested and charged with malicious injury. The complainant, an old Portuguese man, alleges that last Sunday a crowd of about twenty young men came to his house out Kalia way, and demanded okolehao. He told them that he did not keep any in his place and, he says, they then bombarded his house with rocks, breaking windows and doing other damage.

Manuel Gomes was arrested for assault and battery on Fugel, a Japanese, who alleges that Gomes had hit him up and attempted to rob him on Monday night.

Other arrests yesterday were: Asaki, violating carriage regulations; Ieremia, assault and battery on Pomakai.

Chester Doyle left for Lahaina last night. He goes on police department business, and will be away for a month.

## NO LIGHT ON THE MYSTERY

There were absolutely no new developments in the Lubeck murder case yesterday, and the hard work the police put in on the affair during the day was entirely unrewarded.

Enquiries were made at the postoffice as to whether Lubeck had received the letter he went after on the morning of the day on which he was killed. Chief Inspector Linn said that he was not in a position to furnish any information on the subject, as in the eyes of the government a person's mail was held inviolate, and only in cases of extraordinary emergency were even the civil authorities given access to any information concerning correspondence. Mrs. Lubeck told an Advertiser reporter yesterday that she wished to deny several assertions made by Rooney at the inquest. She said that when he came to her house there was not a bottle of gin on the table, and that it was Rooney who asked her to have a drink. She also denied having gone into Rooney's house on the night of November 25.

Mrs. Lubeck further said that Rooney and her husband did not part friends on Wednesday when Lubeck is said to have had trouble with his wife. Rooney asked him to go down town and have a drink with him, but Lubeck would have nothing to do with Rooney.

According to the statement made yesterday morning to a reporter, by Mrs. Lubeck, her husband and Leighmann were not on friendly terms, there having been an unpleasantness between them on account of Leighmann having secured a job as watchman, which Lubeck wanted.

## HAD A GOOD TIME

A J. Snell wanted to attend a party, but was afraid to do so on account of pains in his stomach, which he feared would grow worse. He says: "I was telling my troubles to a lady friend, who said: 'Chamberlain's Colic, Cholera and Diarrhoea Remedy will put you in condition for the party.' I bought a bottle and take pleasure in stating that two doses cured me and enabled me to have a good time at the party." Mr. Snell is a resident of Summer Hill, N. Y., U. S. A. This remedy is for sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

Will any person having a copy of the New York Evening Post containing an exhaustive editorial defense of Governor Dole from the charges made against his administration by Judge Humphreys, favor the Advertiser with a copy?

## THE KOHALA WATER SHED

### Company is Formed to Conserve Supply.

Simultaneously with the departure for Washington of Colonel Samuel Parker, J. A. McCrossen, Geo. W. Davis and others interested in the Kohala water supply yesterday, there was filed with Treasurer Wright an application for articles of incorporation of the Hawaii Ditch Company, Limited.

Messrs. Parker and McCrossen before they return expect to bring with them a franchise or grant by Congress, permitting the Hawaii Ditch Company to conserve the water supply of the Kohala mountains in whatever way they deem best.

The company incorporated here yesterday has a capital of but \$1,000, but the limit to which stock may be increased is \$5,000,000.

Regarding the object of the corporation, the articles say:

"The business and purpose for which this corporation is organized are to build, construct, supply, maintain and operate on the island of Hawaii, in the Territory of Hawaii, a system or systems of surface, underground, either or both, supply and irrigation water ditches or tunnels, canals, flumes, and inverted siphons with their necessary and useful appendages and apparatus to tunnel and bore for, gather, conserve and impound water therefor, and supply and sell water therefrom, and to acquire, own and lease real estate, . . . which may be required to construct and maintain said systems of supply, etc., together with impounding and storage reservoirs, etc."

In the same paragraph it is stated: "Said systems to be owned, constructed, supplied and operated by means of gravity, or steam or electricity, or hydraulics or any of them, and to operate such power works and machinery necessary to accomplish the purpose for which this corporation is organized."

By virtue of the articles the company is given the right to take over contracts, leases, franchises, etc., from public or private corporations, the Territorial or the United States governments, or individuals, also to hold and deal in stocks and bonds of other corporations; and to issue its own bonds and secure the same by deeds of trust, but at no time is the indebtedness to exceed the amount of the capital stock.

Paragraph four provides that the corporation may sue and be sued, can appoint subordinate officers, and make by-laws, not inconsistent with the charter, and to issue notes and other evidences of debt.

Section 5 provides for the succession of the company by its corporate name for a term of fifty years.

Section 6 provides that the capital stock of the company shall be \$1,000, divided into 100 shares of \$10 each, with the option of increasing said capital to a sum not to exceed \$5,000,000.

Section 7 provides for the election of officers, and Section 8 provides that the stockholders shall not be liable for the debts of the corporation.

The articles are signed by Samuel Parker, who owns 33 shares; J. A. McCrossen, one share; J. A. McCrossen, trustee, 31 shares; E. J. Cotton, one share; E. B. McClanahan, 23 shares; F. Wundenberg, one share.

The application is signed by the Hawaii Ditch Company, Limited, by Samuel Parker, its president; E. B. McClanahan, its secretary; and F. Wundenberg, its treasurer.

## SOME TALES FROM BUFFALO

One of the recently returned members of the troupe of Hawaiians who performed at Buffalo Exposition tells several interesting stories of the experiences of the migrants to the mainland. He says that when their Buffalo contracts expired, twelve of the men and woman went to the Charleston Exposition to start a show of their own. Joe Punt is the leader of the enterprise.

Sixteen others, all vocalists and instrumentalists, have signed contracts for Keith's Empire vaudeville circuit throughout the Eastern states. There is a musical act, and J. Wilson is acting as manager.

Some of the girls suffered badly from colds on account of "Spiele" Tobin insisting that they wear as little as possible in the clothing line, and forcing them to go out in the cold in all kinds of weather. Following is a sample of Tobin's "con" talk on the stand:

"Walk right up, ladies and gentlemen; walk up, and see the genuine Hawaiian beauties from the sunny southern seas. They don't wear clothes in their native land, and I call on you all to witness the ease and grace with which they conform to the customs of civilization. Don't they look nice? Walk up, walk up."

According to those of the party who returned on the Alameda, the reported shooting of Tobin by one of the bull dancers was a job put up by Tobin in order to secure some cheap advertising.

It seems that one day Tobin secured a gun, and giving it to a friend, told him to go to the top of a flight of stairs and fire two shots. Meanwhile Tobin stationed himself half way up the stairs, and signalled his friend to let her go. Two shots were fired, and Tobin raised a big rumpus about having been shot at while descending the stairs by one of the girls in the company. Tobin took care that the reporters on the Buffalo papers should not be slightest in the matter of information, and it was not long before the story was printed all over the United States.

Fourteen came back on the Alameda, including Ben Waiwale, W. Keawe, H. Kaunane, Ana Hilo, the popular local danseuse, has joined Wilson's party. Lily Weri and Abbie Clark are now in Charleston.

The girls of the party declare that while in Buffalo they all received frequent offers of marriage from wealthy young men in Eastern cities. The seductions of poi and raw fish were too much for them, however, and the majority of them turned their backs on Hawaii again a sunny, care-free existence in Hawaii.

Including prisoners, there are now 400 men employed by the Public Works Department.

## SORE HANDS

Red, Rough Hands, Itching, Burning Palms and Painful Finger Ends

### ONE NIGHT TREATMENT

Soak the hands on retiring in a strong, hot, creamy lather of CUTICURA SOAP. Dry, and anoint freely with CUTICURA, the great skin cure and purest of emollients. Wear, during the night, old, loose kid gloves, with the finger ends cut off and air holes cut in the palms. For red, rough, chapped hands, dry, fissured, itching, feverish palms, with shapeless nails and painful finger ends, this treatment is simply wonderful.

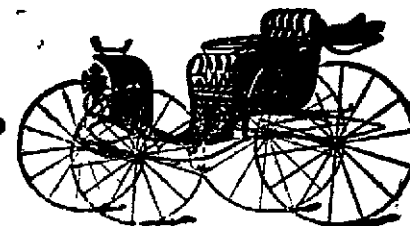
### Millions of Women Use Cuticura Soap

Exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations, inflammations, and chafings, or too free or offensive perspiration, in the form of washes for obstinate weaknesses, and for many sensitive and delicate purposes which readily suggest themselves to women, and especially mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients and the most refreshing of flower odors. No other so-called soap ever compounded is so to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines in One Soap all that One Face, the most skin and complexion soap, the best toilet and most baby soap in the world.

Complete External and Internal Treatment for Every Humour. Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching and irritation and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. Aust. Depot: E. Towns & Co., Sydney, N. S. W. So. African Depot: LARSEN LTD., Cape Town.

## Wagons, Brakes, Phaetons, Surreys, Buggies, Runabouts.

Harness, Varnishes, Carriage Material, Iron Horse Shoes.



## Pacific Vehicle and Supply Co.

Day Block, Beretania Street, Honolulu.

WRITE US FOR OUR ILLUSTRATED CATALOGUE AND PRICES

## A GUN BARGAIN

Not often do you have the chance of getting a gun at a bargain, but we are going to give it now.

We have a perfect beauty of a double-barreled, 12 guage shot gun with birch stock and a gun that will surely prove a prize to the hunter, which we offer at \$14.50.

The boys are bagging lots of game this month and we recommend hunting as a good, healthful sport.

Get a gun and a dog and come along.

P. S. If you don't find a dog this is a good "pointer" at any rate.

## E. O. HALL & SON, Ltd.

## Pacific Mail Steamship Co.

### Occidental & Oriental S.S. Co. and Toyo Kisen Kaisha.

Steamers of the above companies will call at Honolulu and leave this port on or about the dates below mentioned:

FOR CHINA AND JAPAN. FOR SAN FRANCISCO.

CHINA	NOV. 30	PERU	DEC. 1
DORIC	DEC. 10	COPTIC	DEC. 2
NIPPON MARU	DEC. 18	AMERICA MARU	DEC. 20
PERU	DEC. 26	PEKING	DEC. 27
COPTIC	JAN. 1	GAELIC	JAN. 2
AMERICA MARU	JAN. 11	HONGKONG MARU	JAN. 11
PEKING	JAN. 11	CHIN	JAN. 11
GAELIC	JAN. 22	DORIC	JAN. 23
HONGKONG MARU	FEB. 6	NIPPON MARU	FEB. 8
CHINA	FEB. 14		

For general information apply to P. M. S. & Co.

## H. Hackfeld & Co. Ltd. AGENTS.



## WHARF AND WAVE.

## ARRIVED.

Tuesday, December 3.  
Am. bkt. Encore, Palmyra, from Newcastle.  
S. S. Tampico, from Seattle.  
Str. Nihau, Thompson, from Kauai ports.  
Schr. Charles Levi Woodbury, Harris, from Hilo.

Wednesday, December 4.  
Am. bk. Joseph L. Eviston, Ramsell, from Newcastle.  
Str. Mikahala, Gregory, from Kauai ports.  
Schr. Lady, Nelson, from Kauai ports.  
Schr. Kawailani, from Koolau ports.

Thursday, December 5.  
Am. bk. Olympic, Gibbs, from San Francisco.

## DEPARTED.

Tuesday, December 3.  
Str. W. G. Hall, S. Thompson, for Kauai ports; 5 p. m.  
Str. Claudine, Freeman, for Maui ports; 5 p. m.  
Str. Kinau, Clarke, for Hilo and way ports; 12 m.  
U. S. A. T. Rosecrans, Dobson, for Manila.  
S. S. Peru, Pillsbury, for San Francisco; 5 p. m.  
Schr. Concord, for Paauloi; 11 a. m.  
Am. schr. W. H. Marston, Curtis, for San Francisco.  
Str. Kaulani, Dower, for Hamakua and Hilo ports; 2 p. m.

Wednesday, December 4.  
Str. Iwalani, Greene, for Lahaina, Kaanapali, Kukuhaele and Honokaa; 4 p. m.  
Str. Nihau, Thompson, for Anahola, Hanalei, Ahukini and Elele; 5 p. m.  
Schr. Wailua, for Maui and Molokai ports.  
Schr. Lady, Nelson, for Koolau ports.  
S. S. Alameda, Harriman, for San Francisco; 2 p. m.  
Str. Lehua, Napala, for Molokai and Maui ports; 5 p. m.

Thursday, December 5.  
Schr. Kawailani, for Koolau ports; 5 p. m.  
Str. Mikahala, Gregory, for Elele, Makaweli, Wailua and Kekaha, and mail and passengers only for Koloa; 4 p. m.  
Schr. Charles L. Woodbury, Harris, for Hilo; 5 p. m.  
Schr. Wailua, for Kahului; 11 a. m.

## Steamer Movements.

## ARRIVE.

Name.	From.	Date.
Doric-S. F.	Dec. 10	
Sierra-S. F.	Dec. 10	
Nippon Maru-S. F.	Dec. 10	
Milwera-Victoria	Dec. 21	
Alameda-S. F.	Dec. 21	
Peru-S. F.	Dec. 26	
Sonoma-S. F.	Jan. 1	
Coptic-S. F.	Jan. 4	
American Maru-S. F.	Jan. 11	
Alameda-S. F.	Jan. 11	
Aorangi-Victoria	Jan. 18	
Peking-S. F.	Jan. 18	
Ventura-S. F.	Jan. 20	
Gaelic-S. F.	Jan. 22	
Alameda-S. F.	Feb. 1	
Hongkong Maru-S. F.	Feb. 6	
Sierra-S. F.	Feb. 12	
China-S. F.	Feb. 14	
Moana-Victoria	Feb. 15	
Doric-S. F.	Feb. 22	
Alameda-S. F.	Feb. 22	
Nippon Maru-S. F.	March 4	
Sonoma-S. F.	March 5	
Peru-S. F.	March 12	

## DEPART.

Name.	For.	Date.
Sonoma-S. F.	Dec. 10	
Coptic-S. F.	Dec. 10	
Aorangi-Victoria	Dec. 18	
American Maru-S. F.	Dec. 20	
Alameda-S. F.	Dec. 25	
Peking-S. F.	Dec. 27	
Ventura-S. F.	Dec. 31	
Gaelic-S. F.	Jan. 3	
Hongkong Maru-S. F.	Jan. 11	
Moana-Victoria	Jan. 15	
Alameda-S. F.	Jan. 15	
China-S. F.	Jan. 20	
Sierra-S. F.	Jan. 22	
Doric-S. F.	Jan. 31	
Alameda-S. F.	Feb. 5	
Nippon Maru-S. F.	Feb. 8	
Sonoma-S. F.	Feb. 11	
Peru-S. F.	Feb. 15	
Coptic-S. F.	Feb. 25	
Alameda-S. F.	Feb. 25	
American Maru-S. F.	March 4	
Ventura-S. F.	March 12	
Alameda-S. F.	March 19	
Gaelic-S. F.	March 25	
Sierra-S. F.	March 25	
Hongkong Maru-S. F.	March 25	
China-S. F.	April 8	
Alameda-S. F.	April 9	
Doric-S. F.	April 15	
Sonoma-S. F.	April 15	
Nippon Maru-S. F.	April 20	
Alameda-S. F.	April 20	

## LIFE ON THE MULE LINE.

## Old Men Threatened for Putting Fare in the Box.

Two old men, natives, boarded one of Paine's mules on the King street line last evening in the downtown district. One of them went to the forward part of the car where the antiquated fare-box is to be found, over which is the legend, "Passengers are requested to pay their fare upon entering the car." The old man, following the ancient custom of the tram line, deposited ten cents in the box in payment for himself and companion. A big Portuguese who has risen from the humble occupation of a driver of decrepit ark mules to the dignity of a collector of fares between the Onahu Railway depot and Thomas Square immediately flustered up and shaking his hand in the old man's face demanded why he put his fare in the box.

"Why didn't you pay your fare to me—don't you know better than to put your money in the box when the conductor is on board?" he shouted.

The conductor continued his halting until a passenger jumped to his feet and abruptly told the conductor if the latter had talked to him in that manner he would close up one of both of his eyes. The conductor subsided and shut down the lid over the fare-box which then revealed another legend, "Please pay at the other end."

At that moment a big strapping laborer, evidently a carpenter, stepped into the car and walking up to the box just closed, lifted the lid, deposited his nickel in the slot, closed the lid again and took a seat. The conductor was apparently busy just then in counting change and adjusting the rear brake.

Mrs. Tavares, who was shot by her husband at McCully tract the other night, is doing very nicely.

## NOTICE TO POETS.

The Advertiser desires to get a poem on the New Year from every writer of verse in Hawaii, to be incorporated in the special edition of January first. The poems should be sent in within the next week or ten days.

## LOCAL BREVITIES.

Mail is due Saturday by the transport Egbert.

Miss Wong Kong, a graduate of the Normal School, met with a serious accident by falling from a horse at Waihee, Maui.

The mortuary report for the month of November shows seventy-four deaths during that period, a comparatively small number.

James H. Painter, of Wailuku, Maui, has filed a petition in bankruptcy in the Federal Court. His liabilities are listed at \$1,722.79, and assets, \$1,922.

The day set for the opening of tenders for the construction of a road from the head of Makiki street to the top of Tantalus has been postponed until December 13.

The Supreme Court heard the concluding arguments in the case of Smith vs. Hamakua Mill Company yesterday. Today court will adjourn until the January term.

J. J. Dunne, appointed United States attorney by Judge Estee, has sent his application to Washington for a permanent appointment to the place made vacant by the death of J. C. Baird.

Joseph E. Emerson is engaged in surveying the land for an industrial school at Wailua. Until that work is completed no effort will be made to secure plans for the proposed buildings.

The contractors for the sub-structural work on the Lewers & Cooke building are working at night now. Last night a large gang of men were laying the cement flooring for the basement, which is to prevent the tide water from coming in.

Now it is a new "society" weekly that will be launched in Honolulu. The first number will make its appearance in a few weeks. The new aspirant for journalistic honors will be known as The Gossip, and will treat of athletic, as well as social matters.

Yesterday morning the steamer Kaula came off the Marine Railway, where she has been undergoing extensive repairs. She was taken over to Emma's wharf, where the repairs are to be finished. She will probably be ready for the sea in a few weeks.

The captains of local island steamers are complaining that the present position of the Wisconsin makes the entering of this harbor by night a very difficult matter as the battleship is shutting off the fair way buoy, from which these vessels generally take their bearings.

It is evident that the drivers of the watering carts on the waterfront have an intense dislike for driving in the dust. Yesterday clouds of dust which equalled the Biblical dust pillar in height and denseness made the Esplanade exceedingly disagreeable, but no watering cart hove in sight.

The Mikahala reports the steamer James Makoe discharging freight at Kilauea. The Wailaleale was at Elele, also discharging freight. A light swell started to run in at Wailaleale and Makaweli as the Mikahala left. Crossing the channel light northeasterly winds with smooth seas were experienced.

The annual sale of licenses to sell awa will be held at the Capitol building at noon on Friday, December 6. The sale will take place in other districts on the same day, but on any hour which the sheriff may choose. The highest price is \$1,000 in Honolulu, \$500 in Hilo, \$500 in Wailuku, \$250 in Lahaina, and \$100 in all other districts.

The delegates elected by the local Anti-Saloon League to represent this Territory at the league convention at Washington, D. C., December 3, 4 and 5 next, are Hon. and Mrs. J. B. Atherton, Hon. H. P. Baldwin, Rev. W. K. Azbill and Mr. Walter C. Weedon. Mr. Baldwin has given up going, but the others are expected to attend.

Wilson Mahiko, the sixteen-year-old native boy who was fined \$500 for forging a money order, will not have to serve out his sentence at the rate of 50 cents a day. At the end of thirty days he will be allowed to come into court and plead the poor convict's act, and be released. This clemency is shown because of the extreme youth of the defendant and various mitigating circumstances.

The Board of Health will meet in special session this afternoon to further consider the removal of the slaughter-houses from Iwilei. At this time the butchers are to present any plan they may have formulated for the removal. An effort will be made to get the government to set apart a tract of land in the outskirts of the city, where all the slaughter-houses may be located. A large tract in Kahaulei is desired for the purpose, but it is not known whether the land in question is owned by the United States or by the Territory.

## REV. S. H. DAVIS RESIGNS CHARGE

Rev. S. H. Davis, who, for thirty years has been the minister in charge of the Anglican parish in Kona, Hawaii, is about to resign his charge and retire from active work in the ministry. A resolution was presented to the Anglican synod last night whereby this news was made public, in which it was proposed to provide a remuneration for Mr. Davis' services as of the retired life. Rev. Mr. Davis has been a faithful worker in the district in which he has resided and preached so long, and owing to his long service and a hardness of hearing, he has decided to retire.

## Wildier Buying Lumber.

Gardner K. Wildier, a lumber dealer and attorney at law in Honolulu, left Portland last evening for San Francisco, there to return home. He spent several days in Oregon, looking over the State's timber interests, and it is understood that he made a considerable purchase of timber before going away. He says the Hawaiian Islands would buy a great deal of their lumber from Oregon if there were a line of ships plying direct between Portland and Honolulu—Portland-Oregonian.

## ROYAL Baking Powder

Makes the bread more healthful.

Safeguards the food against alum.

Alum baking powders are the greatest menaces to health of the present day.

ROYAL BAKING POWDER CO., NEW YORK.

## THE RIGHT SORT OF DINNER.

It is nice to hear Mr. F. Fern say he enjoys his meals. A dinner that tastes good, that goes to the spot like a horse on his way home, a dinner that is eaten in pleasant surroundings, and with plenty of easy talk and laughter—that is the sort of dinner for me.

It is worth a dozen made of poor stuff badly cooked, and swallowed under conditions that would spoil the appetite of a shark.

That you may get all the benefit that can possibly be got from a dinner, I say, the food itself must be all right, the circumstances all right, and your (and here is where the main point comes in) your digestion all right.

A rare and difficult combination, oh my half-starved fellow pilgrims through this vale of bad cooks, solemn fools, weak stomachs, and sordid boarding-house keepers.

In early life Mr. Fern, who now lives at 93, Victoria street, Auckland, N. Z., followed the sea. Although he does not allude to it we may assume that he was not troubled with indigestion at that time. Seafaring men are apt to have keen appetites—appetites worthy of better grub than most of them get hold of.

It was after Mr. Fern knocked off the sea and tried his luck on land that his digestive apparatus failed to respond to his demands upon it.

Writing on the 6th April, 1900, he says: "My complaint first made itself felt about eighteen years ago. I was constipated, had almost constant eruptions, and frequent spells of palpitation."

"In spite of all I could do, or get the doctors to do, to cure it, this ailment (whatever the real cause or root of it may have been) went on for eight years. And a right nasty strip of time that was; it is logged in my memory as a long spell of heavy weather."

"I fairly dreaded my meals; the act of eating sickened and disgusted me; even when the food was what it ought to be."

"Well, matters went on this way one year after another until I got, in a manner of speaking, sunk down into the situation and became used to it as a man does to being locked up in prison. "Finally I ran across Mother Seigel's Syrup and tried it, because a man I knew said he believed in it."

"It helped me from the first go off, and in about seven months I was a well man from top to toe. The constipation, the dyspepsia, and the heart trouble were all gone. My eye is now clear, my hand is steady, and my appetite and digestion would pass inspection anywhere."

"I have traded for fifteen years at my present address, and am well known in this city."

"I mention the time that Mother Seigel's Syrup took to cure me (seven months) so that people with chronic ailments, and deep-seated ones too, may not be discouraged and leave off the medicine."

"My advice is, persevere, stick to it, never give up, and the Syrup is certain to pull you through."

"I enjoy my meals nowadays, and it has got to be a pretty bad dinner that makes me leave the table unsatisfied."

## REAL ESTATE TRANSACTIONS.

November 26—R. K. Anshu et al. to L. L. McCandless, three-fifths interest in portion of R. P. 5539, Kul. 290C, Printers' Lane, Honolulu, Oahu. Consideration, \$1,032.

November 27—W. C. Achi and wife to C. P. Benton et al., lot 2, block B, Kapoli tract, Honolulu, Oahu. Consideration, \$440.

J. O. Wood to John Gandall, piece of land, Kapalama, Honolulu, Oahu. Consideration, \$1,700.

Keahi to Emma Cornwell, portions of apas 2 and 3, of R. P. 3142, Kul. 11022, Palama, Waikapu; interest in apas 1, 2 and 9 of R. P. 2354, Palama, Waikapu, Maui. Consideration, \$75.

Trs. Oahu College to Harriet Needham, lot 15, block 9, and portion alley, College Hills tract, Punahou, Honolulu, Oahu. Consideration, \$1,100.

November 29—J. H. Schnack and wife to Antonio F. Aguilar, lot 10 of R. P. 55, Nuuanu Valley, Honolulu, Oahu. Consideration, \$704.

Trs. Oahu College to Mabel W. Castle, portion of lot 2, block 1; portion of alley, block 1, College Hills tract, Punahou, Honolulu, Oahu. Consideration, \$224.

George Lyrrugus to C. I. Peixoto, lots 5 and 6, Kalia Place, Honolulu, Oahu. Consideration, \$3,075.

Harry C. Davis and wife to H. P. Fakini, lot 19, block A, Kulokahua, Honolulu, Oahu. Consideration, \$225; mortgage, \$1,975.

H. P. Fakini to Q. H. Barry, lot 40, block A, Kulokahua, Honolulu, Oahu. Consideration, \$142; mortgage, \$1,975.

Luukia Brown and husband to Hans Lueberg, piece of land, Puuolai, Koloa, Kauai. Consideration, \$400.

November 30—J. Makani and wife to Joseph Kahuna, lot 5 of R. P. 1231, Kul. 717, Kakaia street, Honolulu, Oahu. Consideration, \$600.

C. K. C. Cooke and wife to A. S. Wilcox, interest in R. P. 6451, Kul. 497, Hanalei, Kauai. Consideration, \$3,500.

E. Bender and wife to Mrs. Virginia Whitman, portion of lot 54, Pawaia tract, Honolulu, Oahu. Consideration, \$1,600.

December 2—Honolulu Industrial Co., Ltd. et al. to B. F. Dillingham & Co., Ltd., six leasehold buildings, etc., Honolulu, Oahu. Consideration, \$1.

James Hilton to Oiaa Sugar Co., Ltd., right of way for a flume across lot 21, Oiaa, Puna, Hawaii. Consideration, \$1.

Kahooka to Keiithelani, 2 1/2 acres land, Kawaipapa; 1 acre hui land of Kahanakui, Hana, Maui. Consideration, \$40.

## ROUTINE MATTERS Considered by the Board of Health.

(From Thursday's daily.)

Yesterday's meeting of the Board of Health, though the first of the month, was uninteresting. There were present: President Sloggett, Dr. Moore, Dr. Cooper, E. A. Mott-Smith, Attorney General Dole, Dr. Pratt, Secretary Charleslock and Supt. Reynolds.

The petition of Keelul Brown for the return of her child from the settlement was denied. Her request was extremely pathetic and this letter abounded in scriptural quotations.

The petition of Kailua for permission to visit her husband at Molokai was granted.

Supt. Reynolds reported on the request of Henry Ma to return to his wife and daughter at Molokai, and the petition was denied. Mr. Reynolds stated that the petitioner was formerly mail carrier at the settlement and during his tenure of office various articles were missing from the mails. The woman he sought to rejoin was not his wife according to the superintendent.

The request of Chas. R. Blake for a six months' leave of absence was granted. Dr. Russell is to fill his place as government physician at Oiaa during his absence.

A letter was read from S. M. Damon, treasurer of Victoria Hospital, stating that the trustees had complied with the board's request, and the secretary was notified to forward the letter to the auditor, for payment of the subsidies.

E. A. Mott-Smith reported that he had advised with the officers of the Kapoli Maternity Home in regard to the payment of the subsidy and told them to present their vouchers for payment. If the auditor refuses to pay the vouchers, the trustees may resort to mandamus proceedings, but he did not believe it was within the province of the board to pass upon the constitutionality of any act of the legislature. A resolution was adopted instructing the secretary to forward the vouchers to the auditor for payment.

## REPORT OF SANITARY OFFICER.

The following is the report of the sanitary officer for December:

Honolulu, T. H., Dec. 3, 1901.  
Dr. J. S. B. Pratt, Executive Officer, Board of Health:

Sir—Following is the report of the city sanitary officer for the month of November, 1901:

Number of building applications received, 31.

Number of building applications approved, 15.

Number of building applications of previous months approved, 6.

Number of building applications of previous months disapproved, 1.

Number of building applications held by this office, 5.

Number of building applications held by the survey department, 17.

Four of the five applications held by this office are all right except that no plans have been filed, and as they are located in a portion of town which is more or less congested, I wish to make sure of the location of the kitchens and outhouses before signing the permits. The other permit calls for a building on land which is too low and must be filled.

Cesspools located during the month, 10.

Buildings altered or moved so as to conform to the sanitary regulations, 16.

Examinations before, during, and at completion of buildings, 138.

Inspections other than of new buildings, 457.

Certificates for lodging house or restaurant licenses applied for, 24; issued, 22; held for sanitary work to be finished, 2; issued on previous application, 3; previous applications held for sanitary work to be finished, 12.

Number of adults which can by law be lodged in these buildings licensed, 1,325.

Three formal complaints have been filed, and the nuisances in each case have been abated.

Twenty-four 48-hour notices to abate nuisances have been served, and in twenty-two cases the nuisance was abated in the required time; in two cases the time has been extended.

Eight notices ordering the recipient to connect his premises to the sewer within thirty days have been served.

Five builders without permits have been ordered to obtain the same, and have done so.

I am endeavoring to get the government sewer laid from Beretania and River streets corner along River to Pauoa stream, along Pauoa stream to Kukui; thence along Kukui street to Nuuanu, and the subscription paper is now in the hands of one of the property holders, and unless something unforeseen happens it will go through.

With the assistance of the inspectors I have been enforcing the new regulation compelling tight containers for slops when carried through the streets, and so far have met no opposition. These containers are the same as those used by the restaurants as referred to in my last report, and are giving good results. Respectfully submitted,

C. H. TRACY,  
City Sanitary Officer.

## PLUMBING REPORT.

The report of the plumbing inspector is as follows:

Honolulu, December 2, 1901.  
Dr. J. S. B. Pratt, Executive Officer, Board of Health:

Sir—Below I submit a detail of the work in this office for the semi-monthly period ending November 30, 1901:

Number of plans filed, 49.

Number of permits issued, 49.

Number of inspections of plumbing and house sewers, 14.

Number of final inspections made, 53.

Number of sewer connections, 19.

Totals for month of November:

Number of plans filed, 95.

Number of permits issued, 95.

Number of inspections made, 302.

Number of final certificates issued, 114.

Number of sewer connections made, 46.

Respectfully,  
Inspector of Plumbing and House Sewers.

**NOTIONS** At Prices which will be A. Graciously & very W. man.

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Feather-stitch Braid, 6 yards in piece, per piece, 5, 10, 15, 20, 25 cents.

Shell Hairpins, in boxes of a dozen, 25 cents per box.

American Hairpin Cabinets, 5 cents each.

Warren's Featherbone Collar Forms, 20 cents each.

Wood Darning Balls, 5 cents each; with sterling silver mounting, 25 cents each.

Spool Basting Cotton, 200 yards, warranted, two for 5 cents.

Treasure Safety Pins, equal to the best imported, 5 cents per dozen.

Garter Webbing, pure elastic, 10, 12 1/2, 15, 20, 25 cents per yard.

Smery Balls, needed to take rust off your needles, 6 cents each.

English Hairpin Cabinets, very fine quality pins, 10 cents each.

Stray Lock Pins, very pretty shell, 10 cents each.

Darning Cotton, Coats' fast black, 5 cents a ball.

Improved Darning Ball, with spring attachment, 25 cents.

Curling Irons, 15 cents each.

Barbour's Irish Linen Thread, 200 yards, 10 cents.

Aluminum Thimbles, 10 cents each.

"The Comfort" Corset Hose Supporters, 25 cents per pair.

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The following are the reports of the inspectors for the month of November:

District No. 1, 750 inspections.